



CITY OF AUSTIN OFFICE OF THE POLICE MONITOR 2005 ANNUAL REPORT

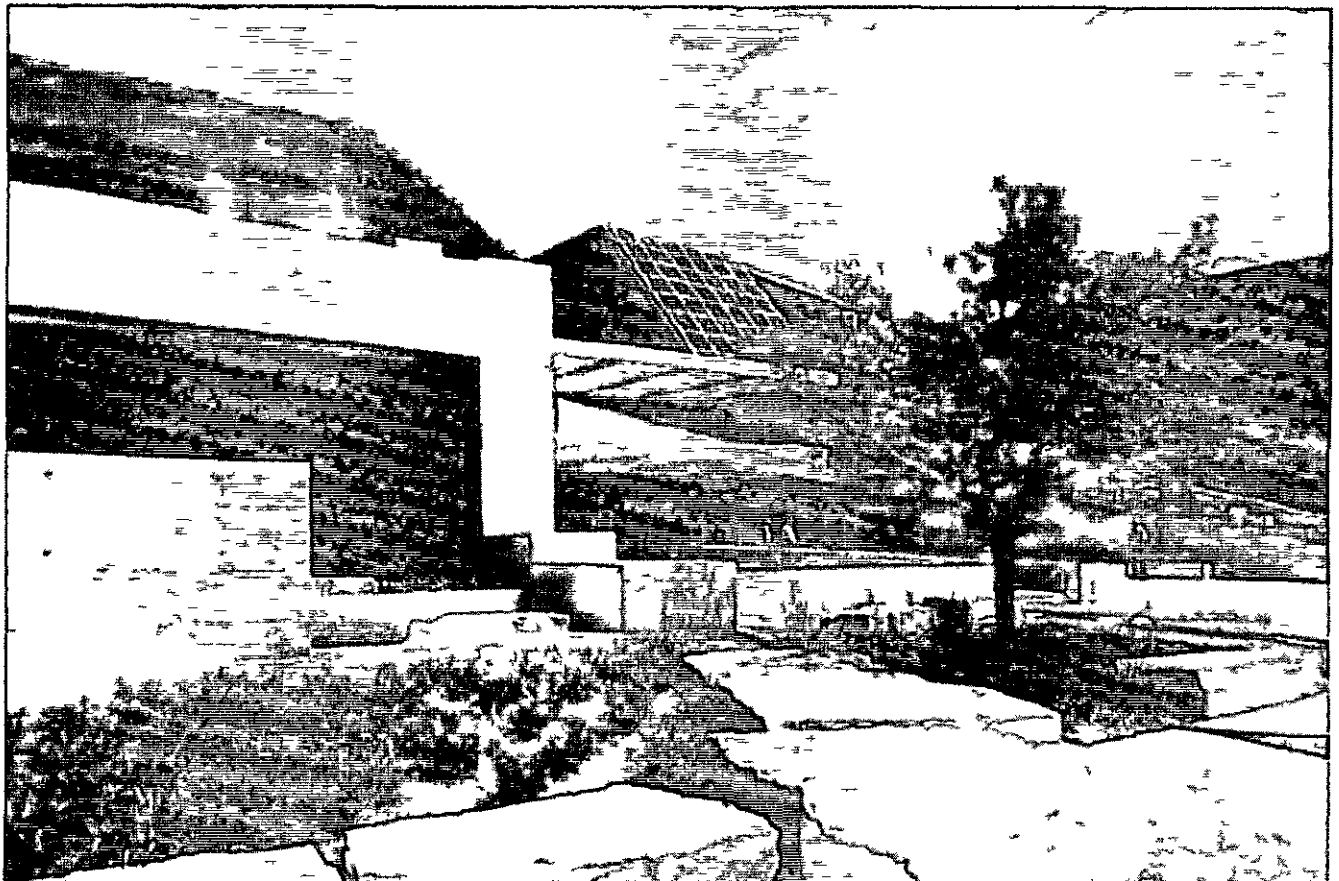


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EXECUTIVE SUMMARY

For the third consecutive year the Office of the Police Monitor (OPM) managed an increased number of contacts. The OPM took on the challenge of this growth all the while improving the process in order to increase efficiency and effectiveness in processing citizen complaints.

The OPM annual report is one useful disclosure tool for the public that enables the OPM to provide transparency into the Austin Police Department (APD) investigative process, review behavior patterns of APD officers, and build policy recommendations. The statistics herein were gathered at the OPM as well as via the Internal Affairs Division (IAD) and the APD Human Resource Division. Below are some of the key findings from 2005.

OPM implemented improved accounting measures to more accurately capture all contacts to the OPM

In 2005 the OPM received 1249 contacts, compared to 731 received in 2004. Most of this growth can be attributed to improved accounting measures by the OPM. In 2005 all phone calls, emails, in person visits, and IAD referrals were included in the contact count. In years prior, only a fraction of these contacts were documented. However, in order to more accurately represent the volume of people contacting the OPM with the intention of filing a complaint, the OPM was more meticulous in its documentation of contacts. In 2005 the OPM processed an increased number of formal external complaints, monitoring 135 external complaints compared to 122 external complaints in 2004.

What is a contact?

Contacts include all individuals contacting the OPM with the intention of filing a complaint. During a consultation with a complaint specialist, the complainant is made aware of the types of complaints available to her/him. Contacts are divided into three types:

1) **Chain of Command (COC) inquiries** – informal complaints handled by the officer's supervisor within 30 days of the inquiry. 2) **Formal complaints** – complaints investigated by IAD, and 3) **Contacts** – an individual calls with the intention of filing a complaint but the incident involves a complaint against a law enforcement agency other than APD, a matter best handled by the courts or another agency, does not meet the criteria outlined in APD's General Orders, Policies, and Procedures, the individual does not provide sufficient information for follow up, the individual is not available for follow up, or the individual fails to follow through with the complaint process.

Code of Conduct most common allegation presented by the public Operation of police vehicles most common allegation from within the Department

What is a Code of Conduct allegation?

Code of Conduct allegations include

- Compliance** – knowing understanding complying with and reporting violations of laws ordinances and governmental orders
- Individual Responsibilities** – dishonesty acts bringing discredit to the department police action when off duty etc
- **Responsibility to the Community** – courtesy impartial attitude duty to identify etc
- Responsibility to the Department** – loyalty accountability duty to take action etc and
- **Responsibility to Co workers** – relations with co workers sexual harassment etc

Fifty-eight percent of COC inquiries and external complaint allegations were related to Code of Conduct issues. Code of conduct allegations were the second most common type of allegation from internal complaints with 38 percent of allegations falling in this category.

Internal allegations most often involved allegations regarding the use of police vehicles making up 41 percent of internal allegations. While collisions are a common feature of the trade of the police officer they nonetheless should be addressed due to their implications of officer safety public safety and departmental funds allocation.

Recommendation

Considering the comportment of a police force will show how they value excellent community policing it is the OPM's recommendation that supervisors and fellow officers continue to hold their colleagues to the highest standard of behavior and report possible code of conduct violations to IAD.

The OPM also recommends that officers take advantage of the state of the art training tools available to them to aid in their mastery of law enforcement vehicle conduction.

The Downtown Area Command continues to have a high number of complaints and allegations

The Central East (CE) Southwest (SW) Downtown (DTAC) and North Central (NC) area commands experienced increases in the number of allegations from 2004 to 2005. The Northwest (NW) North East (NE) Southeast (SE) and Central West (CW) area commands experienced decreases in the number of complaints from 2004 to 2005. In reviewing allegations and complaints by area command DTAC stands out as having the greatest number of complaints in 2004 and 2005. For both years DTAC incurred high numbers of code of conduct excessive use of force and interviews stops and arrests allegations. In fact the total number of allegations increased between 2004 and 2005 with 760 allegations in 2004 and 875 allegations in 2005 and much of the increase in allegations was seen in DTAC. It may benefit the Department to more closely examine compliance with policy and procedure and perhaps explore de escalation tactics for use in the DTAC Sector as well as the other Sectors that experienced increases in complaints from 2004 to 2005.

Recommendation

In the past the OPM has engaged in field trainings and dialogue with the Chain of Command of the DTAC. The OPM has begun organizing a youth outreach program that focuses on high school and college students in the hopes of educating and receiving feedback from individuals that are likely to frequent the DTAC. However the face of downtown Austin is experiencing great change. There has been a great deal of commercial as well as residential development in the downtown Austin corridor. Therefore one can no longer assume that the downtown Austin entertainment district is primarily frequented by young college students. In light of these changes and in the hopes of gaining information to flesh out concrete recommendations for this area command the OPM also plans to examine other U.S. cities with similar entertainment districts and research the law enforcement approach in these areas.

It is the OPM's recommendation that OPM and APD outreach efforts take this change into consideration and continue to foster collaborations between APD and the residents and frequenters of high complaint area commands like DTAC.

Disagreement regarding case classification and IAD allegation recommendations continues between IAD and the OPM

There continues to be a notable agreement gap between IAD and the OPM in relation to case classifications. Cases are classified by IAD according to the severity of the allegations included in the case. For the third consecutive year IAD and the OPM have disagreed in the classification, i.e. severity of a case. This trend was initially reported in the OPM 2004 Annual Report and it is again apparent in the current annual report. Several explanations for this trend have been examined including the make up of internal cases and the additional filter provided by COC inquiries in external cases but there is no clear answer for this discrepancy. Disagreement appears to be greatest for cases classified as D with a 69 percent agreement rate for external Ds and a 75 percent agreement rate for internal Ds. D cases are considered by IAD to contain no allegations of misconduct. Therefore cases classified as D are not assigned to an IAD detective for full investigation and do not result in any discipline for the officer(s) involved. Further no steps are taken by the Chain of Command to ensure the officer clearly understands policy regarding the complaint filed against him/her.

How does IAD classify a complaint?

IAD uses the following criteria in classifying complaints:

- Administrative Inquiry – no allegation of misconduct can be found but the matter is considered of concern to the public and/or the department
 - A – allegations are of a serious nature
 - B – allegations are less serious violations of department policy, rules, and regulations
 - C – allegations do not rise to the level of a policy violation but contain a training or performance issue; allegations are initiated after a prolonged period of time; allegations are made against an officer who cannot be identified; allegations are of a less serious nature and the complainant refuses to cooperate; and/or allegations involve an ongoing criminal investigation – IAD will investigate the administrative violations after the criminal investigation is completed
- D – there is no allegation or misconduct by an officer or

In 2005 14 percent of all cases received the classification of A OPM agreement rates for external and internal A cases is quite high 93 percent and 97 percent respectively however agreement rates especially for external cases drop for those cases farther down the classification scale

Similar to case classifications the OPM reviews each IAD allegation recommendation and determines whether it agrees or disagrees with the recommendation In 2005 the OPM agreed with 72 percent of external case allegation recommendations This rate compares to an 82 percent agreement rate in 2004 The OPM agreement rate for internal allegation recommendations in 2005 was 92 percent a slight decrease from the 2004 rate of 94 percent

What kind of recommendations can IAD make on complaints?

IAD can choose from any of the following recommendations

Exonerated – The incident occurred but is considered lawful and proper

Sustained – The allegation is supported or misconduct discovered during investigation

Unfounded – The allegation is considered false or not factual

Inconclusive – There is insufficient evidence to prove/disprove allegation

Administratively Closed – No allegations were made or misconduct discovered and/or complaint closed by a supervisor

The following breakdown outlines where some of the disagreement lies Thirty eight percent of external allegations were recommended to be Administratively Closed whereas a smaller portion (10 percent) of internal case allegations received this same IAD recommendation In contrast the majority (72 percent) of internal cases compared to 17 percent of external cases were Sustained Also more external cases than internal cases were Unfounded (17 percent and 9 percent respectively) These distinctions in IAD recommendations were also observed in the OPM 2004 Annual Report where the majority of external allegations were either Administratively Closed or Unfounded and the majority of internal allegations were Sustained

Examination of IAD case classifications as well as IAD allegation recommendations and OPM opinions of these will be further analyzed in subsequent reports

Younger officers, rank of 'Officer', Latino, and Black officers over represented in complaints

An analysis of the characteristics and demographics of officers referenced in 2005 complaints revealed that some newer or less experienced officers are more likely to incur complaints than others While the number of years served by subject officers ranged from over 34 years to approximately 8 months the average number of years served was slightly less than 11 years and the most common number of years served by officers cited in complaints was 15 years suggesting that less seasoned officers are more vulnerable to allegations and/or violations of policy

The rank of Officer makes up the majority of the APD force So it would not be surprising to find that Officers are more often cited in complaints However while they made up 58 percent of APD in 2005 75 percent of them were referenced in complaints suggesting they are more susceptible to allegations and/or violations of policy Similarly men make up the majority of APD While they made up 89 percent of the force 93 percent of them were cited in citizen complaints This over representation in complaints in relation to male officers proportion on the

force was not found in internal complaints. The over representation of male officers and the rank of Officer in citizen complaints may be related to the fact that more male officers and officers of the rank of Officer make up the pool of patrol officers who are normally the most common type of officer encountered by a citizen. This increased exposure rate to the public might make patrol officers more susceptible to citizen complaints.

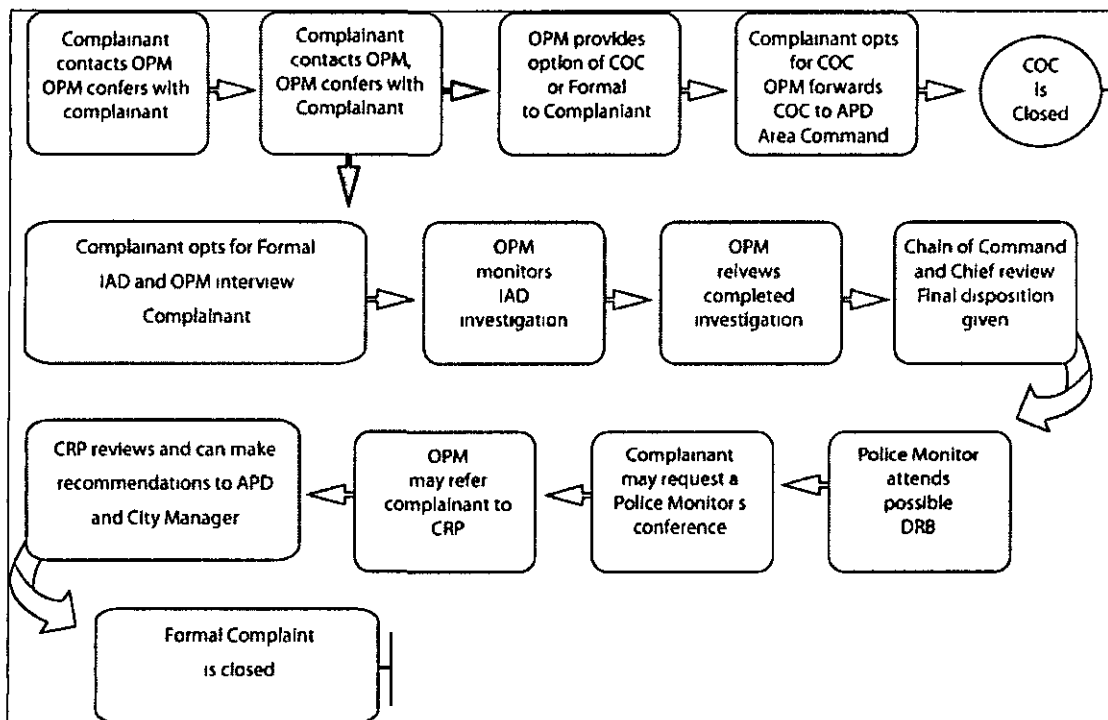
An analysis of the racial breakdown of officers referenced in 2005 complaints revealed that Latino officers were over-represented as subject officers in citizen complaints, making up 19 percent of APD but 24 percent of subject officers. In 2004, the OPM found a similar relationship, but it was not clear if this over representation was indicative of disparate reporting on behalf of the community and the Department or if Latino officers were truly engaging in disparate actions when compared to their counterparts within APD. Since this over-representation was only found in citizen complaints, we can eliminate the possibility of the Department over reporting allegations against Latino officers. However, we are yet not able to decipher whether or not the over representation of Latino officers in the subject officer pool is due to disparate reporting on behalf of the community or disparate actions on the part of these officers.

The same racial breakdown of officers cited in complaints found that Black officers were over represented as subject officers in internal complaints, making up 10 percent of APD personnel but 13 percent of subject officers. As a reminder, internal complaints are complaints filed from within the Department, normally a supervisor, but can also be initiated by a colleague. Similar to the pattern seen with Latino officers, we are yet not able to decipher whether this over-representation stems from disparate actions on the part of the officers or disparate reporting on the part of their counterparts within the department. The OPM will continue to examine this complicated issue in the hopes of uncovering additional underlying factors.

The Chain of Command has invaluable input regarding its officers. By paying special attention to the characteristics and ranks described above as well as collaboration with the OPM, IAD, and Policy Review Board, the Chain of Command could see equitable and improved compliance among officers.

The OPM will take the findings and questions presented above and aim to continue to shed more light on the IAD administrative complaint process, meet the objectives set for the OPM by the citizens of Austin, and fulfill its mission statement.

Figure 1 OPM Complaint Process



OFFICE OF THE POLICE MONITOR MISSION AND OBJECTIVES

The OPM is the primary resource for accepting and filing the general public's complaints against officers of the Austin Police Department (APD). Through numerous outreach efforts, the OPM aims to educate both the community and law enforcement and promote the highest degree of mutual respect between them. The OPM seeks to enhance public support, trust, and confidence in the fairness and integrity of APD through the fostering of honest dialogue relating to issues and incidents that affect APD and the community.

Duties

- Assess complaints involving APD officers
- Monitor APD's entire process for investigating complaints
- Attend all complainant and witness interviews
- Review the patterns and practices of APD officers
- Make policy recommendations to the Chief of Police, City Manager, and City Council and
- Help the Citizen Review Panel (CRP) fulfill its oversight duties

To file a complaint with the OPM, an individual can contact our office in person, by phone at (512) 974-9090, by fax at (512) 974-6306, or by e-mail at police_monitor@ci.austin.tx.us. Our office is located in the Twin Towers Building at 1106 Clayton Lane, Suite 100E. For more information, including a full copy of this report, please visit our Web site at www.austinpolicemonitor.com.

2005 GENERAL COMPLAINT INFORMATION

Findings

- The number of formal complaints remained relatively constant but there was a 15 percent decrease in the number of Chain of Command inquiries in 2005
- There was a decrease of six percent in the number of internal complaints filed and an increase of 11 percent in the number of external complaints filed
- 2005 saw an increase of 75 percent in the number of critical incidents from four incidents in 2004 to seven incidents in 2005
- The Downtown Area Command continues to have the largest number of complaints but the actual number of complaints dropped by 13 percent in 2005
- The Northeast and Central West sectors experienced a decrease in the number of complaints from 2004 a decrease of 30 percent for NE and 9 percent for CW
- The Southwest Northwest South Central Central East sectors and areas outside of APD's jurisdiction experienced increases in the proportion of complaints from 2004 to 2005 with a 225 percent increase for SW 120 percent for NW 33 percent for SC 29 percent for CE and 20 percent for areas outside of APD's jurisdiction

In 2005 the OPM reviewed 1249 contacts. The 2005 figure captured a larger figure than that of 2004 when 731 contacts were processed. Contacts include all individuals who contact the OPM with the intention of filing a complaint. However, many of these contacts do not mature to complaints. Some reasons for this include: the individual is calling regarding a complaint against a law enforcement agency other than APD; the incident involves a matter best handled by the courts or other agency; the incident does not meet the criteria outlined in APD's General Orders, Policies, and Procedures; the individual does not provide sufficient information for follow up; the individual is not available for follow up; or the individual fails to follow through with the complaint process. Fifty-four percent (685) of initial contacts failed to become complaints because of one or more of the reasons outlined above. In 2004, the OPM provided information on a limited number of contacts. However, in 2005, in order to more accurately represent the total number of people who contact the OPM with the intention of filing a complaint, all phone calls, emails, in person visits, and APD referrals were included in the contact count. Therefore, the number of contacts in 2004 is an under representation of the total number of people contacting the OPM during that year, while the 2005 is more accurate and contributes much of the increase seen between 2004 and 2005 in the total number of contacts.

Of the remaining contacts reviewed by the OPM in 2005, approximately 20 percent were filed as **chain of command (COC) inquiries** and 26 percent were pursued as **formal** complaints through APD's Internal Affairs Division (IAD). While the percentage of formal complaints filed in 2005 seems to have decreased from 2004, the total number of complaints actually remained relatively constant. For more details about the difference between formal complaints, COC inquiries, and contacts, please see Appendix I of this report. The numbers in parentheses in the following tables represent the numbers associated with each percentage.

Table 1 Type of Contacts by Year¹

Type of Contact	2004	2005
COC Inquiries	51% (306)	20% (259)
Formal Complaints	35% (340)	26% (339)
Contact	14% (85)	54% (685)
Total	731	1249

Citizens most often contacted the OPM via telephone. In 2005, 71 percent of complainants phoned the OPM. An additional 13 percent were referred to the OPM by IAD, and another 11 percent visited the OPM in person. The remaining five percent of complainants faxed, emailed, or wrote to the OPM regarding their complaints.

Chain of Command Inquiries

Of the contacts to the OPM that developed into actual complaints, 43 percent were filed as COC inquiries. COC inquiries are initially handled by the individual officer's supervisor and sometimes her/his entire chain of command. The process was developed jointly by APD and the OPM in order to offer an option to civilians with minor complaints, especially those interested in speaking directly with an officer's supervisor.

When a civilian chooses to file a COC inquiry, the complaint is forwarded in writing to IAD, who then sends the complaint to the subject officer's supervisor. The supervisor then reviews the case, collects the fundamental facts, and calls the complainant to attempt resolution of the matter. Normally, no disciplinary action results from these cases. Rather, the officer is interviewed by his supervisor and may be orally counseled or reprimanded. At any time during or after the completion of the COC process, a citizen unsatisfied with the process or result of the inquiry can file a formal complaint.

The OPM assesses complainant satisfaction with the Chain of Command's resolution of the inquiry via a follow-up conversation with the complainant. During this time, the complainant is made aware that if she/he was not satisfied, she/he has the option to file a formal complaint. Follow-up with complainants was conducted in 181 of the 259 COC inquiries processed in 2005. Follow-up was not possible with all COC inquiry complaints either because the complainant was not available for follow-up, IAD did not forward a response from the Chain of Command to the OPM, or the OPM lapsed in making contact with the complainant. Of the COC inquiries with follow-up, 88 percent (160) resulted in a successful resolution, and 12 percent (21) of these follow-ups yielded unsatisfactory outcomes. Of the 21 unsatisfied complainants, 33 percent (7) opted to escalate their inquiry to a formal complaint.

Formal Complaints

In 2005, 339 formal complaints were filed with the OPM. This compares with 340 formal complaints processed in 2004. Formal complaints are divided into two distinct types:

External – complaints filed by a civilian against an APD officer, and

Internal – complaints filed by an APD officer, typically a member of the Chain of Command, against another APD officer.

¹ The OPM 2004 Annual Report listed 600 total complaints. This figure only included those internal formal complaints directly monitored by the OPM. However, the 2004 figure listed in the OPM 2005 Annual Report includes all internal complaints, including those not monitored by the OPM, yielding a greater total complaint number in the present report when compared to the 2004 report.

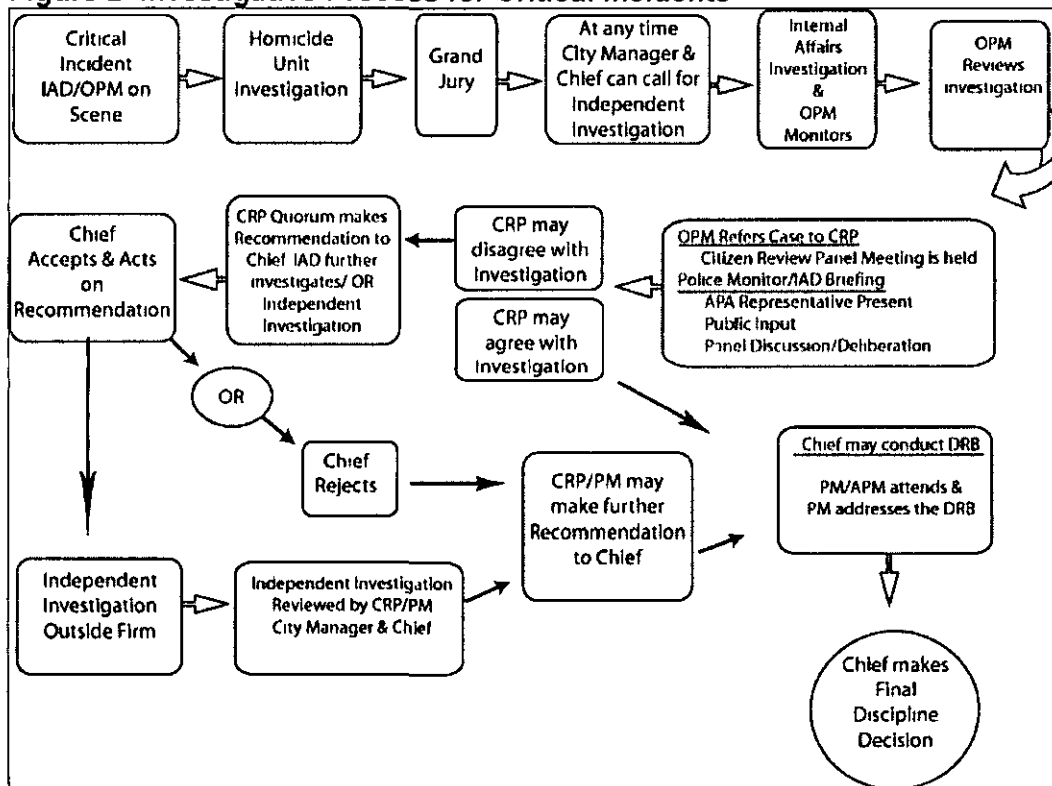
Of the 339 formal complaints processed in 2005 40 percent (135) were external complaints and 60 percent (204) were internal. The number of formal cases remained relatively constant from 2004 to 2005. However, in 2005 there was a slight drop, a decrease of six percent, in the number of internal complaints filed and a small increase, an increase of 11 percent, in the number of external complaints filed, as can be seen in Table 2.

Table 2 Type of Formal Complaint by Year^{II}

Type of Formal Complaint	2004	2005
Internal	64% (218)	60% (204)
External	36% (122)	40% (135)
Total	340	339

The OPM does not monitor a portion of internal cases as many are minor incidents, such as traffic violations and collisions, which are normally investigated by the Chain of Command. However, the OPM does monitor all cases directly investigated by IAD, including all **Critical Incidents**, which include cases of officer shootings and any other incident resulting in serious bodily injury or death of a person.^{III} In 2005, the OPM monitored the investigation of seven critical incidents, almost double the count from 2004, which included 4 critical incident investigations. Critical incidents undergo a different investigation process. Please see the figure below for more details on the investigative process for critical incidents.

Figure 2 Investigative Process for Critical Incidents



^{II} In previous years, the OPM did not include all internal cases as many were minor incidents, such as minor traffic violations, which are normally handled by the Chain of Command. However, in order to provide more uniformity between the OPM and the IAD annual reports and figures, the OPM included all internal complaints in the 2005 report. So while in 2004 only 87 out of 218 internal complaints were included in the OPM 2004 Annual Report, the current report includes all 204 internal cases.

^{III} Definition extracted from APD's General Orders, Policies, and Procedures A109.01.

The OPM also collects data on the location where a complaint incident took place. Incident locations are mapped against APD's **Area Commands**. This mapping is done in a more consistent fashion for external rather than internal complaints because the OPM focuses on these area commands but does not currently collect information on any specialized units such as Street Response, Highway Enforcement, or Homeland Security, which are likely to be assigned to multiple area commands or citywide. Internal complaints usually capture this additional information, but the OPM is currently not set up to process complaints in this fashion. The OPM is working on the data collection of these additional units and will provide a similar breakdown for internal complaints as seen in Table 3 below in subsequent reports. Table 3 includes the number of external complaints and the area of Austin in which the incidents occurred.

Table 3 External Complaints per Area Command by Year

Area Command	2004	2005
Downtown	25% (30)	19% (26)
Central East	12% (14)	13% (18)
North East	17% (20)	10% (14)
South East	10% (12)	10% (13)
South West	3% (4)	10% (13)
South Central	7% (9)	9% (12)
North West	4% (5)	8% (11)
Central West	9% (11)	7% (10)
North Central	7% (8)	7% (9)
Outside	4% (5)	5% (6)
Unknown	4% (2)	2% (3)
Total	122	135

Red text signifies a drop from the previous year

Table 3 above reveals that some areas of the city had an increase in the percent of complaints in 2005 from 2004, while other areas saw a decrease in the percent of complaints filed against APD officers. The Downtown Area Command (DTAC) continues to have the largest number of complaints. However, DTAC's number of External complaints decreased from 30 in 2004 to 26 complaints in 2005, a drop of 13 percent. The SW, NW, SC, CE sectors and areas outside of APD's jurisdiction experienced increases in the proportion of complaints from 2004 to 2005. In addition to DTAC, the NE and CW sectors also experienced a decrease in the number of complaints originating in these areas when compared to 2004. The decrease seen in the Northeast area command is particularly pronounced, dropping by 30 percent. The number of complaints in CW dropped by 9 percent. A small increase was also seen in complaints occurring in areas outside of the APD area commands. Incidents like these normally stem from incidents where an APD officer is aiding an outside agency or when a complaint is filed on an officer while he is off duty and lives outside of the city limits. While these types of complaints do not represent a majority of complaints filed, it is important to review these cases carefully because the integrity of APD is not only evaluated inside the city limits and while officers are on duty but also outside the city and when officers are off duty.

IAD CASE CLASSIFICATIONS

Findings

- External complaints are more likely to receive the least serious case classifications
- Concurrence rates between the OPM and IAD remain high for the most serious internal and external cases but there is a lower rate of agreement for C and D cases

Once a formal complaint is filed against an APD officer before the investigation begins the complaint is evaluated and classified according to the seriousness of the allegations. The classification categories are as follows:

- **A** – allegations of a serious nature
- **B** – less serious allegations of violation of department policy, rules, and regulations
- **C** – allegations that do not rise to the level of a policy violation but contain a training or performance issue, allegations initiated after a prolonged period of time, allegations made against an officer who cannot be identified, allegations of a less serious nature and the complainant refuses to cooperate, and/or allegations involving an ongoing criminal investigation – IAD will investigate the administrative violations after the criminal investigation is completed
- **D** – no violation allegation or misconduct by an officer, or
- **Administrative Inquiry** – no allegation of misconduct can be found but the matter is considered of concern to the public and/or the department^{IV}

Table 4 below depicts that in 2005 more internal cases than external cases were classified as A (16 percent and 10 percent respectively) and B complaints (77 percent and 44 percent respectively). Table 4 also shows that more external cases than internal cases were classified as C (14 percent and 1 percent respectively) and D complaints (31 percent and 1 percent respectively). Whether internal or external, few cases were classified as Admin Inquiries with 5 percent of internal and 1 percent of externals receiving this classification in 2005.

Table 4 IAD Classification of Formal Complaints by Year

IAD Case Classification	2004		2005	
	Internal	External	Internal	External
Admin Inquiry	8% (18)	4% (5)	5% (10)	1% (1)
A	19% (41)	13% (16)	16% (32)	10% (14)
B	72% (156)	44% (54)	77% (158)	44% (59)
C	1% (3)	19% (23)	1% (2)	14% (19)
D	0% (0)	20% (24)	1% (2)	31% (42)
Total	218	122	204	135

While in 2005 the difference between internal and external cases classified as A was not great, the following are some reasons why IAD classifies a higher percentage of internal cases as A when compared to external cases:

^{IV} Classifications further defined in APD's General Orders, Policies, and Procedures A109.04

- 1) Internal cases include critical incidents which by definition are always classified as A due to the severity of the allegations
- 2) Internal cases are filed by fellow officers who are familiar with APD's General Orders Whereas external cases typically involve civilians who are unfamiliar with these orders filing complaints
- 3) Supervisors generally do not file formal complaints about less serious incidents. Instead less serious issues are usually addressed by the Chain of Command directly with the officer through counseling or training

Fewer low-severity cases plus more high severity cases in the internal category explains some of the disparity in the classification of internal and external cases

In the 2004 Annual Report the OPM considered that one reason why more external cases were classified as less severe than internal cases was the lack of community awareness of APD policies and procedures. However, since there are two types of complaint processes – Formals (more severe allegations) and COC inquiries (less severe allegations) – it would seem that filtering the less severe allegations into the COC inquiry category would yield a greater concurrence rate for those external cases processed as formals. But even with this filter in place, there continues to be a greater portion of external cases classified as C and D when compared to the portion of internal cases classified in this same way.

This disparity can be further examined by looking at the level of agreement regarding classification of complaints between IAD and the OPM. Once IAD classifies a case, the OPM reviews the case and assigns an agreement value of **Agree** or **Disagree**. This measure helps identify the level of concurrence between IAD and the OPM on case classifications. Table 5 depicts the OPM's agreement of IAD's classification of external and internal cases for 2004 and 2005.

Table 5 OPM Agreement of IAD Case Classification by Year

IAD Classification	OPM Agreement Rates			
	External Cases		Internal Cases	
	2004	2005	2004	2005
Admin Inquiry – no policy violation but concerning to the public	100%	100%	94%	90%
A – serious allegations	93%	93%	93%	97%
B – less serious allegations	80%	90%	95%	97%
C – policy/training issues	45%	89%	67%	100%
D – no policy violation	88%	69%		75%

There were zero D Internal cases in 2004. Numbers in red signify an agreement rate of less than 75 %.

Concurrence rates for internal cases were quite high. In fact, in 2005, the agreement rate of internal C cases increased from 67 percent to 100 percent. However, there is still room for improved agreement in the evaluation of internal D cases.

OPM agreement levels for external A and B cases and Admin Inquiries were relatively high. In fact, the agreement rate for external B cases increased from 80 percent to 90 percent. Agreement rates between the OPM and IAD also increased for external C cases from 45 percent to 89 percent. In contrast, there was a significant drop in the agreement rate for D cases. Table 1 shows that OPM agreement levels dropped from 88 percent to 69 percent for external D cases. This greater disagreement is seen in both internal and external cases classified as D, but more acutely affected external cases since D cases made up 31 percent of all external complaints. The OPM will continue to monitor this apparent discrepancy issue.

2005 TYPES OF ALLEGATIONS MADE

Findings

- The number of total allegations processed in 2005 was greater than that processed in 2004. Most of this increase can be attributed to the inclusion of additional internal case allegations normally handled by the Chain of Command as well as a true increase in the number of external allegations.
- The majority of Chain of Command inquiries involved allegations of code of conduct violations.
- The most common external allegations involved code of conduct violations; the most common internal allegations involved the operation of police vehicles.
- The second most common allegation for external cases involved use of force and duty weapons; the second most common allegation for internal cases involved code of conduct allegations.
- The greatest number of external case allegations came from the Downtown, Central East, and South Central Area Commands. The Northeast, Northwest, Southeast, and Central West Area Commands experienced a drop in the total number of allegations.
- The total number of allegations across different types of allegations remained relatively stable between 2004 and 2005. In fact, many sectors experienced decreases across the different allegation categories, but much of this decrease was nullified by increases in other sectors.
- The Downtown Area Command had the greatest number of code of conduct, excessive use of force, and interviews, stops, & arrests allegations from external cases. While the numbers are small, the Southeast, South Central, and Central East Area Commands had the greatest number of bias-based profiling and incident reporting and documentation allegations.

Complaints are made up of allegations. A single complaint may at times include multiple allegations. In 2005, 875 allegations were processed compared to 760 allegations processed in 2004. Of the 875 allegations, 29 percent (258) were allegations from COC inquiries, and 71 percent (617) were allegations from formal cases. In 2004, 40 percent (311) of allegations were attributed to COC inquiries and 60 percent (449) were attributed to formal cases. Of the 617 formal complaint allegations in 2005, 46 percent (283) were external allegations and 54 percent (334) were internal allegations. This compares with 54 percent (244) of external and 46 percent (205) of internal allegations processed in 2004.

Table 6 Number of Allegations by Type of Contact per Year

Number of Allegations	2004	2005
COC Inquiries	40% (311)	29% (258)
Formal Complaints	60% (449)	71% (617)
External	54% (244)	46% (283)
Internal	46% (205)	54% (334)
Total	760	875

COC Inquiry Allegations

Using APD's General Orders, Policies, and Procedures handbook to analyze COC inquiry allegations revealed that 61 percent (157) of the allegations involved code of conduct^V violations. 9 percent (23) pertained to policy involving police vehicles, emergency operation of police vehicles, and pursuits; another 8 percent (21) pertained to allegations of preliminary follow up and collision investigations; 7 percent (17) involved allegations of interviews, stops, and arrests, arrest and booking procedures, and care and transport of prisoners; 6 percent (16) involved allegations of impounding vehicles and property and evidence; 3 percent (9) related to excessive use of force; and the remaining 6 percent (15) involved issues regarding the workplace environment, secondary employment, court appearances, handling of juveniles, protective orders, family violence, incident reporting, bias based profiling, and fugitive warrants.

External Allegations

A similar analysis of external case allegations found that 55 percent (156) of allegations involved code of conduct violations. 15 percent (41) related to excessive use of force and use of duty weapons; 12 percent (33) involved allegations of interviews, stops, and arrests, arrest and booking procedures, fugitive warrants, and care and transport of prisoners; 5 percent (15) involved allegations of bias based profiling and incident reporting and documentation; another 3 percent (8) pertained to allegations of preliminary follow up and collision investigations; 2 percent (6) pertained to policy involving police vehicles; and the remaining 8 percent (24) involved issues regarding the workplace environment, court appearances, family violence, property and evidence, telephone and mail protocol, and mobile video recorder operation.

Internal Allegations

Internal case allegations analyses revealed that 41 percent (137) involved allegations of improper use of police vehicles, emergency use of police vehicles, and pursuit policies; 38 percent (128) involved code of conduct allegations; another 7 percent (23) were allegations of excessive use of force and duty weapons; 4 percent (13) were allegations regarding internet/network use, radio and telecommunications, contact information notifications, and telephone and mail protocol; 2 percent (8) were allegations pertaining to attendance and leave and secondary employment; and the remaining 6 percent (19) included allegations relating to workplace environment, arrests and booking, arrests, interviews and stops, bias based profiling, and others.

^V The General Orders distinguishes between B116 Bias Based Profiling and A201 Code of Conduct 03A (Impartial Attitude). In order to maintain the integrity of the data, Bias Based Profiling and Impartial Attitude allegations are also separated here.

Table 7 Type of Allegations by Type of Contact

Allegation	2004		2005		
	External	Internal	COCs	External	Internal
Code of Conduct	52% (126)	58% (119)	61% (157)	55% (156)	38% (128)
Use of Force and Duty Weapons	17% (42)	6% (13)	3% (9)	15% (41)	7% (23)
Interviews Stops Arrests/ Arrests & Bookings/ Fugitive Warrants / Care & Transport of Prisoners	13% (32)	1% (3)	7% (17)	12% (33)	2% (7)
Bias Based Profiling / Incident Reporting & Documentation	5% (13)	1% (1)		5% (15)	1% (4)
Preliminary Follow up & Collision Investigations	4% (9)	1% (2)	8% (21)	3% (8)	1% (2)
Police Vehicles / Emergency Use of Police Vehicles / Pursuit Policy	1% (2)	11% (23)*	9% (23)	2% (6)	41% (137)
Secondary Employment / Attendance & Leave		13% (26)			2% (8)
Internet & Network Computer Use / Radio & Telecommunications / Contact Info Notifications / Telephone & Mail Protocol		2% (4)			4% (13)
Other	8% (20)	7% (14)	12% (31)	8% (24)	4% (12)
Total	244	205	258	283	334

Too few cases or zero cases documented included in the Other category

Only those police vehicles emergency use of police vehicles and pursuit policy allegations from investigations monitored by the OPM are included in this figure

As described in Table 7 the most common type of allegation for external complaints was Code of Conduct allegations Code of Conduct policies include

- **Compliance** – knowing understanding complying with and reporting violations of laws ordinances and governmental orders
- **Individual Responsibilities** – honesty acts bringing discredit to the department police action when off duty etc
- **Responsibility to the Community** – courtesy impartial attitude duty to identify etc
- **Responsibility to the Department** – loyalty accountability duty to take action etc and
- **Responsibility to Co Workers** – relations with co workers sexual harassment etc

Table 7 also shows the most common type of allegation for internal complaints was the use of police vehicles allegations In 2004 the OPM Annual Report only included internal cases that were directly monitored by the OPM This selection excluded many minor internal cases especially those involving traffic violations and collisions The OPM 2005 Annual Report includes all internal cases included in the IAD 2005 Annual Report Therefore the number of police vehicles allegations shown in Table 7 for 2004 is an under representation of the actual

number of 2004 police vehicles allegations. A direct comparison of the number of these types of allegations between 2004 and 2005 should be done with caution.

In response to community interest and concern, the OPM analyzed formal complaints involving the use of TASER®s. Of the 62 external and internal Use of Force and Duty Weapons allegations, 27 percent (17) were specifically regarding the use of TASER®s. This figure represents an increase of 31 percent from 2004, during which 23 percent (13) of use of force allegations included the use of TASER®s. The OPM will continue to monitor and analyze any patterns with respect to the use of TASER®s in subsequent reports.

External allegations were also analyzed by the area command in which the incident took place. A few more complaints were processed in 2005 than in 2004, allowing for a year-to-year comparison. Most sectors experienced an increase in the number of allegations, specifically CE, SW, DTAC, and NC. Despite the increase in total allegations, some sectors experienced a decrease in the number of allegations coming out of their areas, specifically NW, NE, SE, and CW. Please note Table 8 through Table 13 provide numbers rather than percentages due to the small incidence of some types of allegations.

Table 8 Number of Allegations from External Cases per Sector by Year

Area Command	2004	2005
Downtown	57	65
Central East	20	40
South Central	24	29
North Central	21	28
North East	36	25
South West	10	23
South East	29	22
Outside	5	17
Central West	19	16
North West	22	12
Unknown	1	6
Total	244	283

Numbers in red represent a drop in the number of allegations from 2004 to 2005.

Tables 9 through 13 show specific types of external allegations by area command. While many of the total number of allegations remained relatively stable between 2004 and 2005, with many area commands experiencing drops throughout the different allegation categories, much of this decrease was nullified by increases in other area commands, particularly DTAC. As can be seen in Tables 9 through 12, DTAC led in the number of allegations of code of conduct violations, excessive use of force, interviews, stops & arrests, and preliminary investigations. In fact, DTAC increased in the number of allegations in all categories but one, the preliminary collision and follow up investigations category. Increases in allegations were also seen in the CE, SW, and NC area commands, particularly in the code of conduct allegations category. In contrast, significant drops in code of conduct allegations from 2004 to 2005 were found in the NE and NW area commands.

Table 9 Number of Code of Conduct Allegations per Sector by Year

Area Command	2004	2005
Downtown	30	31
Central East	11	25
South West	5	19
North Central	10	16
North East	21	13
South Central	10	11
North West	17	11
Outside	4	10
Central West	7	9
South East	10	9
Unknown	1	2
Total	126	156

Numbers in red represent a drop in the number of allegations from 2004 to 2005

Table 10 Number of Use of Force and Duty Weapon Allegations per Sector by Year

Area Command	2004	2005
Downtown	16	20
North Central	5	5
North East	4	5
Central East	4	3
Outside	0	3
South East	6	2
Unknown	0	2
Central West	4	0
South Central	2	0
South West	1	0
North West	0	1
Total	42	41

Numbers in red represent a drop in the number of allegations from 2004 to 2005

Table 11 Number of Interviews Stops & Arrests Arrest & Bookings Fugitive Warrants and Care & Transport of Prisoners Allegations per Sector by Year

Area Command	2004	2005
Downtown	6	10
North East	6	5
Unknown	0	4
Central East	1	3
Outside	0	3
Central West	3	3
North Central	4	2
South Central	6	1
South West	0	1
South East	4	1
North West	2	0
Total	32	33

Numbers in red represent a drop in the number of allegations from 2004 to 2005

Table 12 Number of Preliminary Follow Up and Collision Investigations Allegations per Sector by Year

Area Command	2004	2005
Downtown	5	2
South East	0	2
South Central	2	1
North Central	0	1
North East	0	1
South West	0	1
Central East	2	0
Central West	1	0
North West	0	0
Outside	0	0
Unknown	0	0
Total	10	8

Numbers in red represent a drop in the number of allegations from 2004 to 2005

In 2004 bias-based profiling allegations only included allegations in this particular general order category. After evaluating the similarity in complaints categorized as incident reporting and documentation allegations with those categorized as bias-based profiling allegations, the OPM combined both of these allegations into one category. Much of the increase seen between 2004 and 2005 can be attributed to this change. Including the new allegations, SE, SC, and CE had the greatest numbers of bias based profiling and incident reporting and documentation allegations, as can be seen in Table 13. The SE sector also had the greatest number of bias-based profiling allegations in 2004.

Table 13 Number of Bias Based Profiling and Incident Reporting & Documentation Allegations per Sector by Year

Area Command	2004	2005
South East	3	5
South Central	2	4
Central East	1	3
North Central	0	2
Central West	2	1
North West	0	0
North East	1	0
South West	0	0
Downtown	0	0
Outside	0	0
Unknown	0	0
Total	9	15

Numbers in red represent a drop in the number of allegations from 2004 to 2005

IAD ALLEGATION RECOMMENDATIONS AND APD DECISIONS

Findings

- IAD recommended that approximately two thirds of allegations for external cases be Unfounded Exonerated or Administratively Closed
- The OPM and IAD rate of agreement on external case allegation classifications decreased from a rate of 82 percent in 2004 to a rate of 72 percent in 2005. The rate of agreement for internal allegation classifications slightly decreased from a rate of 94 percent in 2004 to a rate of 92 percent in 2005
- The Chief of Police and the Chains of Command acted in accordance with IAD's recommendations on 91 percent of allegations. The OPM agreed with most of the Chains' and the Chiefs' decisions on external and internal allegations that were recommended to be sustained by IAD. The agreement rate on allegations that IAD recommended be sustained was higher between the OPM and IAD than between the OPM and the Chief of Police and Chains of Command
- The most common form of discipline meted out to officers involved in a complaint that resulted in sustained allegations was oral counseling or reprimand. Six officers were dismissed from APD as a result of the IAD investigation and the Chains of Command and Chief of Police dispositions

For formal cases, IAD and each officer's Chain of Command independently make recommendations for each allegation investigated. Allegations are reviewed and disposition recommendations are made using the following categories:

- **Exonerated** – The incident occurred but is considered lawful and proper
- **Sustained** – The allegation is supported or misconduct discovered during investigation
- **Unfounded** – The allegation is considered false or not factual
- **Inconclusive** – There is insufficient evidence to prove/disprove allegation
- **Administratively Closed** – No allegations were made or misconduct discovered and/or complaint closed by a supervisor^{vi}

IAD made recommendations on 275 of the 283 external case allegations. Some of these allegations did not receive a recommendation from IAD because they were not investigated by IAD due to the fact that the allegation may have been added by the Chains of Command during the Disciplinary Review Board (DRB) meeting or the officer may have resigned or retired prior to the end of the investigation. IAD recommended to Administratively Close 38 percent (105) of external allegations, Sustain 17 percent (48), Unfounded 17 percent (46), and Exonerate 12 percent (32) of external allegations. An additional 16 percent (44) of allegations were deemed Inconclusive by IAD.

^{vi} Definitions extracted from APD's General Orders, Policies, and Procedures, A109.08

Similar to case classifications the OPM reviews each IAD allegation recommendation and determines whether it agrees or disagrees with the recommendation. In 2005 the OPM agreed with 72 percent of external case allegation recommendations. This rate compares to an 82 percent agreement rate in 2004. OPM IAD agreement was particularly high in allegations recommended to be Sustained and Administratively Closed. However agreement was less than 75 percent where allegations were recommended to be Inconclusive, Unfounded, and particularly Exonerated.

Table 14 IAD Recommendations and OPM Opinion per Type of Formal by Year

IAD Recommendation	2004		2005	
	External	Internal	External	Internal
Sustained	8% (21)	60% (126)	17% (48)	72% (238)
Administratively Closed	31% (76)	18% (37)	38% (105)	10% (33)
Unfounded	35% (88)	7% (14)	17% (46)	9% (30)
Inconclusive	11% (27)	9% (19)	16% (44)	5% (17)
Exonerated	15% (37)	3% (6)	12% (32)	2% (7)
Total	249	202	275	325
OPM Agreement Rate	82%	94%	72%	92%

Numbers in red signify an agreement rate of less than 75%

Internal cases in 2005 included 334 allegations but 325 allegations received recommendations from IAD. As mentioned above some internal allegations did not receive an IAD recommendation due to not being added until the DRB or because the officer resigned or retired during the investigation. In contrast to external case allegations, 72 percent (238) of internal case allegations were Sustained, 10 percent (33) were Administratively Closed, 9 percent (30) were Unfounded, 5 percent (17) were considered Inconclusive, and 2 percent (7) were Exonerated. The OPM agreement rate for internal allegation recommendations in 2005 was 92 percent, a slight decrease from the 2004 rate of 94 percent.

Table 14 reveals that the bulk (38 percent) of external allegations was recommended to be Administratively Closed, whereas a smaller portion (10 percent) of internal case allegations received this same recommendation. In contrast, the majority (72 percent) of internal cases compared to 17 percent of external cases were Sustained. Also, more external cases than internal cases were Unfounded (17 percent and 9 percent, respectively). These distinctions in IAD recommendations were also observed in the OPM 2004 Annual Report, where the majority of external allegations were either Administratively Closed or Unfounded, and the majority of internal allegations were Sustained.

In 2004, the OPM observed an increase in the number of internal allegations as well as the number of allegations Sustained. It was considered that this increase could possibly be explained by the following: an increase in the total number of internal cases in 2004, greater vigilance and reporting of violations by supervisors and fellow officers, as well as stricter standards by IAD detectives. In 2005, the OPM again observed an increase in the number of internal allegations and allegations Sustained. Further delving into the data revealed that the main increase in internal allegations came from the inclusion of police vehicle allegations normally investigated by the Chain of Command. These types of cases are normally Sustained, unless there are extenuating circumstances that reveal the officer was not at fault for the collision. Therefore, the inclusion of collision cases also helps to explain the increase in internal allegations Sustained in 2005.

APD Decisions

While IAD makes a recommendation for each allegation the Chain of Command of the officer and ultimately the Chief of Police make the final determination on any discipline and the ultimate resolution of the allegation

As can be seen in Table 14 above IAD recommended that 286 (238 internal plus 48 external) allegations be Sustained Twelve allegations are not included in Table 15 below due to the officers retiring or resigning during the investigation Table 15 depicts the decisions made by the Chain of Command and the Chief of Police on the remaining 274 allegations that IAD recommended be Sustained When the Chains and Chiefs disposition of these allegations *were compared with IAD's recommendations some disagreement between the Chain of Command/Chief of Police and IAD was revealed Specifically the Chain of Command/Chief of Police did not ascribe to IAD's recommendation on 25 allegations that IAD recommended be Sustained This ratio yielded an agreement rate between IAD and the Chain of Command/Chief of 91 percent*

The OPM was in agreement with the Chains of Command and the Chief on 77 percent of the external case decisions and 95 percent of the internal case decisions The OPM agreement rate with the Chains of Command and the Chief was calculated by evaluating only those allegations recommended by IAD to be sustained and assessing OPM agreement on these If in evaluating OPM and IAD agreement we look only at those allegations recommended by IAD to be sustained rather than all allegations the agreement rate between the OPM and IAD increases from 72 percent on external allegations to 100 percent and from 92 percent on internal allegations to 99 percent Therefore while the agreement rate between the OPM and IAD when all allegations are included is modest it rises dramatically when only sustained allegations are examined When evaluating the agreement rate between the OPM and the Chain of Command/Chief of Police on those allegations IAD recommended sustaining the agreement rate drops to 77 percent for external allegations and 95 percent for internal allegations Therefore in 2005 it was found that the OPM had a greater agreement rate with IAD than with the final disposition of the Chain of Command and the Chief of Police on both internal and external cases

Table 15 APD Decisions on Allegations Recommended to be Sustained by IAD and OPM Opinion per Type of Formal Complaint by Year

APD Decision	2004		2005	
	External	Internal	External	Internal
Sustained	86% (18)	87% (94)	77% (37)	89% (212)
Exonerated		1% (1)	6% (3)	1% (3)
Inconclusive	14% (3)	6% (7)	10% (5)	3% (8)
Unfounded		6% (6)		<1% (1)
Administratively Closed			4% (2)	<1% (1)
Added/Changed at DRB			2% (1)	<1% (1)
Total	21	108	48	226
OPM Agreement Rate	94%	88%	77%	95%

Zero allegations were given this category by APD

The Chief of Police is ultimately responsible for deciding if any disciplinary action will be taken against an officer involved in a complaint Table 16 shows the disciplinary action meted out to the officers who had sustained allegations in 2005 Discipline results are shown by officer and not by allegation Four hundred fifty-six officers were involved in formal complaints Of these

190 received some type of discipline as a result of IAD's investigation of the complaint against them and the Chain's and Chief's disposition. The most common discipline received by officers was an oral counseling or reprimand. Fifty-two officers received suspensions ranging from 1 day to 90 days. A total of 6 officers were dismissed from APD. However, one of these officers was later reinstated through the arbitration process.

Table 16 Disciplinary Action Taken by APD per Type of Formal Complaint

Disciplinary Action Taken	2005	
	External	Internal
Oral Reprimand / Counseling	6	73
Written Reprimand	8	44
Days Suspension	6	46
Indefinite Suspension / Termination	2	4
Total	22	167

COMPLAINANT DEMOGRAPHICS

Findings

- Complainants who have filed complaints with the OPM represent a wide cross-section of Austinites. They do not cluster around any particular racial or geographic group.
- The Northeast Area Command had the greatest number of Chain of Command inquiries and the Downtown Area Command had the greatest number of external formal complaints in 2005.
- More males than females filed Chain of Command inquiries in 2005.

In the OPM 2004 Annual Report, it was revealed that, contrary to some misconceptions, complainants at the OPM are not only minorities from East Austin. This finding was replicated in the OPM 2005 Annual Report. Complainants in 2005 represented diverse demographic and geographic characteristics. The average complainant seen at the OPM came from any part of the City of Austin, was just as likely to be White, Hispanic or Black, and between the ages of 20 and 39 or over 50.

Complainants have the right to file as many complaints as they would like, provided they involve unique incidents. Also, complainants can begin the complaint process by filing a COC inquiry, but if they are dissatisfied with the end result, they have the option to proceed to a formal complaint. Further, complainants from within APD are not counted as citizen complainants. Since some complainants file multiple complaints and/or begin with a COC inquiry and progress into the formal complaint process or are APD employees, the findings below will show fewer complainants than the total number of complaints processed by the OPM in 2005. You will notice that while a total of 598 COC inquiries and formal complaints were filed in 2005, only those non-APD complainants with unique external formal complaints and unique COC inquiries were included in the figures below: a total of 339 distinct complainants.

In reviewing the complainant demographics below, it is important to consider that complaints can be filed at the OPM in person, over the phone, or via e-mail. Because of the various methods of contacting the OPM available to complainants, at times the OPM finds thorough data collection of all demographic data points somewhat challenging. This challenge is particularly problematic with COC inquiries, as can be noted in the high percentages of missing or unknown data in some of the subsequent tables. The OPM continues to improve data collection methods and aims to have more complete data for COC inquiries in future reports.

Table 17 shows that the 334 complainants were comprised of 26 percent White, 20 percent Latino, and 14 percent Black complainants. Two percent of complainants were Asian/Pacific Islander and 2 percent were of another race or ethnicity. There was a large proportion of complainants with unknown race or ethnicity, especially from COC inquiries.

Table 17 Complainant Race / Ethnicity by Type of Complaint

Race / Ethnicity	COC Inquiries	External Formal Complaints	Total Citizen Complaints
White	20% (44)	38% (41)	26% (85)
Black	11% (25)	20% (22)	14% (47)
Latino	16% (34)	29% (32)	20% (66)
Asian/Pacific Islander	1% (2)	2% (2)	2% (4)
Other	1% (2)	3% (3)	2% (5)
Unknown	51% (118)	8% (9)	36% (127)
Total	225	109	334

Of the different APD area commands in Austin the NE area command had the largest proportion of complaints in 2005. However, the NE area command's complaints were more often filed as COC inquiries. The CE area command had the second largest number of complaints in 2005, followed by DTAC. The CE area command complaints were filed as COC inquiries and formal complaints in similar proportions, whereas a greater proportion of DTAC complaints were filed as formal complaints. The SC and NC area commands had the least number of complaints in 2005. Complaints out of these two sectors were more often filed as COC inquiries.

Table 18 Sector by Type of Citizen Complaint

Sector	COC Inquiries	External Formal Complaints	Total Citizen Complaints
North East	15% (34)	12% (13)	14% (47)
Central East	13% (28)	14% (15)	13% (43)
Downtown	8% (19)	18% (20)	12% (39)
South West	12% (26)	11% (12)	11% (38)
North West	11% (25)	7% (8)	10% (33)
Central West	11% (25)	7% (7)	9% (32)
South East	10% (22)	8% (9)	9% (31)
North Central	8% (17)	8% (9)	8% (26)
South Central	5% (12)	9% (10)	7% (22)
Unknown	6% (14)	2% (2)	5% (16)
Outside	1% (3)	4% (4)	2% (7)
Total	225	109	334

The majority of complainants filing COC inquiries ranged in age from 20 years of age to 39 years of age and 50 years and older. Of those complainants filing formal complaints, 29 percent were in their twenties, 24 percent were in their forties, and 17 percent were in their thirties.

Table 19 Complainant Age by Type of Citizen Complaint

Complainant Age	COC Inquiries	External Formal Complaints	Total Citizen Complaints
Teens	2% (4)	9% (10)	4% (14)
Twenties	6% (14)	29% (32)	14% (47)
Thirties	5% (12)	17% (19)	9% (31)
Forties	3% (7)	24% (26)	10% (33)
Fifty and over	8% (19)	11% (12)	9% (31)
Not recorded	75% (169)	9% (10)	54% (178)
Total	225	109	334

More males 54 percent than females 46 percent filed complaints in 2005. Men were more likely than women to file COC inquiries in comparison to formal complaints where men and women filed complaints at more similar rates.

Table 20 Complainant Gender by Type of Citizen Complaint

Complainant Gender	COC Inquiries	External Formal Complaints	Total Citizen Complaints
Male	55% (124)	52% (57)	54% (181)
Female	45% (101)	48% (52)	46% (153)
Total	225	109	334

The majority of complainants 96 percent spoke English another three percent spoke Spanish and one person was hearing impaired.

SUBJECT OFFICER DEMOGRAPHICS

Findings

- Findings suggest less seasoned officers may be more vulnerable to allegations of policy violations
- The rank of Officer was over-represented in complaints filed by citizens as well as by fellow officers
- Female officers were under represented and male officers were over represented in complaints filed by citizens. Internal complaints very closely reflected the gender breakdown of APD
- Latino officers were over-represented in complaints filed by citizens whereas Black officers were over represented in complaints filed by other officers

The 598 formal complaints and COC inquiries processed by the OPM referenced 664 unique APD officers meaning that 664 out of 1356 total sworn officers or 49 percent of all APD sworn personnel were the subject of one type of complaint or another. Please note officers that were referenced in multiple complaints were only counted once. Of the 664 officers referenced in complaints 298 officers were mentioned as subject officers in COC inquiries. As with complainant demographics officer demographics were not always available for officers referenced in COC inquiries.

Subject officers' years of service varied from 34 years to approximately 8 months. The average tenure served by officers referenced in complaints was almost 11 years. Half of the officers referenced in complaints had served almost seven years. In 2005 the most common number of years served by subject officers was 1.5 years suggesting that newer officers are more vulnerable to allegations and/or violations of policy. These findings suggest that more complaints are being filed against less seasoned officers.

Table 21 Years of Service of Subject Officers for 2005

	Years of Service
Average tenure	10.7
Longest tenure	34.0
Shortest tenure	0.7
Tenure midpoint	6.8
Most common tenure	1.5

As can be seen in Table 22 of the officers referenced in complaints 75 percent were ranked as officers. This rank category includes officers, probationary officers, as well as senior police officers. Considering officers made up 58 percent of the APD sworn personnel in 2005 it is expected that they would incur the majority of complaints. Officers were followed by detectives in the number of complaints filed against them with 11 percent of complaints referencing detectives who made up 20 percent of the work force in 2005.

Table 22 Subject Officer Rank by Type of Complaint

Officer Rank	COC Inquiries	Formal Complaints	Percent of All APD Sworn Personnel
Officer	79% (148)	73% (329)	58% (783)
Corporal	4% (8)	5% (23)	5% (70)
Detective	12% (23)	10% (47)	20% (274)
Sergeant	4% (7)	10% (45)	11% (149)
Lieutenant	<1% (1)	1% (5)	4% (58)
Commander			1% (18)
Assistant Chief		<1% (2)	<1% (4)
Total	187	452	1356

Zero subject officers with this ranking

In line with the gender make up of APD most subject officers 92 percent were male This finding is outlined in Table 23

Table 23 Subject Officer Gender by Type of Complaint

Subject Officer Gender	COC Inquiries	Formal Complaints	Percent of All APD Sworn Personnel
Female	8% (16)	9% (39)	11% (154)
Male	92% (196)	91% (413)	89% (1202)
Total	212	452	1356

Table 24 depicts the race/ethnicity of officers referenced in complaints in 2005 Similar to the make up of APD most subject officers 66 percent were White Table 24 also reveals that Latino officers were slightly over-represented in the subject officer category making up 19 percent of APD in 2005 but 22 percent of them were referenced as subject officers in formal complaints Similarly Black officers seem to be slightly over represented in the subject officer category They made up 10 percent of APD but 12 percent of them were referenced as subject officers in formal complaints

Table 24 Subject Officer Race/Ethnicity by Type of Complaint

Subject Officer Race/Ethnicity	COC Inquiries	Formal Complaints	Percent of All APD Sworn Personnel
White	56% (131)	64% (294)	70% (955)
Black	7% (16)	12% (56)	10% (132)
Latino	18% (42)	22% (99)	19% (253)
Asian/Pacific Islander		<1% (1)	1% (14)
Other	<1% (1)		<1% (2)
Total	190	450	1356

As in the current report in the OPM 2004 Annual Report it was found that certain officers of some ranks and ethnic and racial groups seemed to be over represented in the subject officer pool Questions were raised about the factors producing these seeming over-representations Questions weighed included were the over-represented groups engaging in disparate behaviors or was there disparate reporting of behaviors engaged in by these groups on the part of the complainants APD and civilian While there are multiple explanations for this seeming over-representation one factor examined by the OPM in the current report was the possibility of a distinction in this pattern when complaints were analyzed by the party initiating the complaint The OPM examined the number of complaints filed against the above mentioned groups by citizens versus by fellow APD officers The number of COC inquiries was combined with the number of external formal complaints for each rank racial/ethnic group and gender group

Internal formal complaints were evaluated separately. Tables 25 through 27 below shed some light on this relationship.

In separating the complaints into citizen complaints and internal complaints, it was found that the rank of officer incurred the majority of both citizen and internal complaints. While the rank of officer made up 58 percent of APD personnel in 2005, 76 and 74 percent of officers with the rank of officer were cited in citizen and internal complaints, respectively. Another finding revealed through this analysis was the under representation of detectives in complaints filed by both citizens and fellow APD officers. While detectives incurred the second largest number of complaints, they still incurred less complaints than one would expect when considering their proportion of APD personnel, making up 20 percent of APD personnel, but 11 and 10 percent of citizen and internal complaints, respectively.

Table 25 Subject Officer Rank by Citizen and Internal Complaints

Officer Rank	Citizen Complaints	Internal Complaints	Percent of All APD Sworn Personnel
Officer	76% (302)	74% (175)	58% (783)
Corporal	5% (19)	5% (12)	5% (70)
Detective	11% (46)	10% (24)	20% (274)
Sergeant	7% (28)	10% (24)	11% (149)
Lieutenant	1% (5)	<1% (1)	4% (58)
Commander			1% (18)
Assistant Chief		1% (2)	<1% (4)
Total	400	238	1356

Numbers in red signify an overrepresentation of this rank category in the subject officer pool in relation to its proportion of the entire APD personnel.

A similar analysis for the gender category showed that female officers were under-represented and male officers were over-represented in complaints initiated by citizens but not by fellow APD personnel. This finding is depicted in Table 26 below.

Table 26 Subject Officer Gender by Citizen and Internal Complaints

Subject Officer Gender	Citizen Complaints	Internal Complaints	Percent of All APD Sworn Personnel
Female	7% (29)	11% (26)	11% (154)
Male	93% (397)	89% (212)	89% (1202)
Total	426	238	1356

Numbers in red signify an overrepresentation of this gender category in the subject officer pool in relation to its proportion of the entire APD personnel.

Table 27 shows that the seeming over-representation of Latino and Black officers was consistent across citizen and internal complaints. Findings suggest that Hispanic officers were over-represented in complaints filed by citizens, and Black officers were over-represented in complaints filed internally.

Table 27 Subject Officer Race/Ethnicity by Citizen and Internal Complaints

Subject Officer Race/Ethnicity	Citizen Complaints	Internal Complaints	Percent of All APD Sworn Personnel
White	66% (265)	67% (160)	70% (955)
Black	10% (40)	13% (32)	10% (132)
Latino	24% (95)	19% (46)	19% (253)
Asian/Pacific Islander	<1% (1)		1% (14)
Other	<1% (1)		<1% (2)
Total	402	238	1356

Numbers in red signify an overrepresentation of this race category in the subject officer pool in relation to its proportion of the entire APD personnel

These findings warrant further investigation that takes into consideration not only by whom the complaint was filed but also the race rank where applicable and gender of the complainant area command and other factors. For instance, the over representation of male officers and the rank of Officer in citizen complaints may be related to the fact that more male officers and officers of the rank of Officer make up the pool of patrol officers who are normally the most common type of officer encountered by a citizen. This increased exposure rate to the public might make patrol officers more susceptible to citizen complaints.

COMPLAINANT FOLLOW UP OPTIONS

After the OPM reviews IAD's investigative file and/or the Chain of Command's/Chief's decision the complainant is notified of the results of the investigation. If the citizen is not satisfied with the decision or simply wishes to have more information regarding her case, she has two options. One is to request a **Police Monitor's Conference (PMC)**. The other is to appear before the **Citizen Review Panel (CRP)**.

A PMC is a meeting with the complaint specialist who handled the case as well as the police monitor or the assistant police monitor where details from the IAD file can be shared with the complainant. In 2005, 13 percent (17) of the complainants who filed a formal complaint attended a PMC. This figure represents a slight increase from 12 percent in 2004.

After the PMC, a complainant who continues to have concerns about the case can request to present the case to the CRP. The CRP consists of seven volunteer members and residents of the Austin community. Each member is appointed by the City Manager with input from the City Council and the community at large. Each member serves a 2-year term with no member serving more than two full consecutive terms. Before sitting on the panel, CRP members receive extensive training, including the APD Citizens Police Academy, ride-alongs in police vehicles in each of the nine police sectors, Internal Affairs training, and communications with key people in the community and oversight interests.

CRP members in 2005 included:

Juan Alcala
Roy Butler, Chair
Celia Israel
Dr. Sterling Lands II
Muyng Lemond
J. D. Martinez
Carla Nickerson

The CRP meets once a month to review complaints and listen to complainants' concerns about the resolution or processing of their cases. The CRP reviewed 18 cases in 2005, including cases from 2003, 2004, and 2005. While the CRP does not have the ability to render decisions or enforce discipline, it can make recommendations to the City Manager and the chief of police.

CONCLUSION

The OPM processed more contacts in 2005 than in 2004. The increase was mostly experienced in the number of external formal complaints. COC inquiries decreased somewhat from 2004 to 2005 but continue to constitute the largest portion of the OPM complaint base.

There continues to be a notable difference in case classifications between IAD and the OPM, especially in the number of external cases compared to internal cases classified as C and D. On a positive note, the 2004 annual report suggested what seemed to be a glass ceiling effect for external cases, in that very few were classified by IAD as A cases. This ceiling effect was not specific to external cases in 2005; there was a low incidence of both internal and external cases classified as A. A trend of case classification discrepancies was initially reported in the OPM 2004 annual report, and it is again apparent in the current annual report. Several explanations for this have been examined, including the make up of internal cases and the additional filter provided by COCs in external cases, but there is no clear answer for this discrepancy.

This discrepancy between the treatment of external and internal cases was also seen in IAD recommendations, where the majority of internal allegations were sustained, while only 17 percent of external allegations received this recommendation. Examination of IAD case classifications and IAD recommendations and OPM opinion of these will continue to be analyzed in subsequent reports.

There also continues to be a discrepancy between the type of allegations reported by the community and those from within the Department. This difference in concerns over officer conduct seems to be a complementary one, which allows for a more balanced vigilance of officer misconduct than a system with only internal complaints. One concerning change in the allegations presented to the OPM was the increase in the number of bias-based profiling and incident reporting and documentation complaints. Considering the sensitive nature of these allegations, any increase should be closely evaluated.

Reviewing allegations and complaints by area command revealed that the Downtown area command has led in the greatest number of complaints since 2003. The Downtown area command incurred the greatest number of code of conduct, excessive use of force and interviews, stops and arrests allegations.

The Downtown area command faces unique challenges in policing the downtown Austin corridor, which includes the Austin downtown entertainment district. They oftentimes deal with large crowds. They sometimes encounter individuals who may have engaged in drinking alcoholic beverages. While these situations are certainly challenging, they also present APD with the opportunity to explore the use of de-escalation tactics, especially when the use of force seems imminent, that aim to take control of a potentially volatile situation and turn it into either an effective arrest of a suspect or protection of a citizen in need.

The OPM has begun work on a youth outreach program that focuses on high school and college students in the hopes of educating and receiving feedback from individuals that are likely to frequent the downtown area. However, we also recognize that the face of downtown Austin is undergoing great change. There has been a great deal of commercial as well as residential development in the downtown Austin corridor. Therefore, one can no longer assume that the downtown Austin entertainment district is primarily frequented by young college students. In light of these changes and in the hopes of gaining information to flesh out concrete

recommendations for this area command the OPM also plans to examine other U S cities with similar entertainment districts and research the law enforcement approach in these areas

In 2004 the OPM Annual Report found an increase in the number of complaints and allegations originating in the Northeast area command In 2005 the Northeast area command experienced a substantial decrease in both allegations and complaints Of those complaints coming from the Northeast area command more were filed as COC inquiries than formal complaints The Northwest area command also experienced a substantial decrease in allegations from 2004 to 2005 The OPM is pleased to recognize the administration in both of these area commands for making great strides in successfully mediating public concerns against its officers

One area of the complaint and investigative process where IAD and the OPM appear to be in substantial agreement is in relation to IAD allegation recommendations and Chain of Command/Chief decisions Agreement rates for both internal and external cases increased from 2004 to 2005 and actually reached closed to perfect agreement when only allegations that were recommended by IAD to be sustained were examined Agreement between the Chains of Command/Chiefs and IAD also increased in 2005

An analysis of the characteristics and demographics of officers referenced in 2005 complaints revealed that some newer or less experienced officers are more likely to incur complaints than more seasoned officers These findings suggest that supervisors paying special attention and giving guidance to these officers could yield improved compliance The OPM also found evidence suggesting that officers assigned to patrol duties may be more susceptible to external complaints likely due to their greater exposure to the public Findings also suggest that Hispanic officers are over-represented as subject officers in external complaints in relation to their proportion in APD and Black officers are over represented as subject officers in internal complaints in relation to their proportion in APD

The Chain of Command has invaluable input regarding its officers By paying special attention to the characteristics described in this report as well as collaboration with the OPM IAD and Policy Review Board the Chain of Command could see equitable and improved compliance among officers Currently the OPM conducts a presentation to each new cadet class in an effort to educate future officers of current trends seen in public behavior as well as trends seen in the areas where they will soon be assigned Armed with this information and their new training cadets could effect the change they would like to see in the relationship between APD and the public

The OPM was motivated by the findings of over representation of the rank of officer and males in external complaints to continue its numerous outreach efforts in an effort to further inform the public of APD officers duties and to gain insight into the relationship between the community and its male officers particularly patrol officers

The OPM recognizes that the apparent over-representation of Hispanic officers in external complaints and Black officers in internal complaints presents a complicated issue The OPM will continue to examine multiple aspects of this issue in order to gain clarity on the underlying factors Future analyses of complaints and allegations will also involve looking at complainant race/ethnicity type of allegation duty/assignment disciplinary action taken as well as other variables

The OPM aims to use the findings highlighted and questions raised by this report to shed more light on the IAD administrative complaint process meet the objectives set for the OPM by the citizens of Austin and fulfill our mission statement

RECOMMENDATIONS

Part of the OPM's oversight responsibility includes drafting and issuing recommendations upon completing the review of IAD investigative files and in response to any observed patterns within the department. The most common types of recommendations made to IAD/APD include case specific recommendations such as case reclassification, allegation reclassification, further investigation of a case, or request for IAD to follow proper administrative complaint procedures. Other recommendations are developed by reviewing particular cases, but focus more on change to current policies and procedures or addition of a new policy or procedure. Further, the OPM can also suggest that a particular officer receive certain training/re training or counseling.

The reader may recall that the OPM had varying degrees of agreement with IAD case and allegation classifications as well as the final dispositions rendered by the Chain of Command and the Chief of Police. Table 28 below details the different recommendations made by the OPM and the CRP to IAD/APD, along with APD's response, during 2005. In those areas where a blank is present rather than a response, both APD and the OPM attempted to locate APD's response, but no response was found to those OPM recommendations.

Table 28

Type of Recommendation	Recommending Party	Recommendation	APD Response
Global Recommendation	Police Monitor	Consider changes to/further analysis in APD's 2004 Use of Force Report	APD may consider additional analyses and will collect additional data to help explain Use of Force differences
Global Recommendation	Police Monitor	Assignment of TASER [®] s to Street Response Officers	Supervisors in all nine Street Response teams were surveyed and reported officers had been issued a TASER [®]
Policy Recommendation	Police Monitor	APD sanctioned events should not include alcohol if alcohol BAC analyzer and designated drivers should be available, include peer to peer support programs to encourage officers to lead healthy lifestyles	
Global Recommendation	Police Monitor	Mobile Recording Equipment policy regarding cool cars and discipline	Clarification provided on these issues
Case/Policy Recommendation	Citizen Review Panel	Case 03 280 Sustain all allegations revise APD policy regarding street attired officers making stops due to confusion to the public	Policy on attire not revised. Final allegation classification changed, but not sustained. (Response addressed to Police Monitor. OPM relayed response to CRP)

Case/Training Recommendation	Police Monitor	Case 04 082 Change allegation classification training regarding searches and seizures policy	
Case Recommendation	Police Monitor	Case 04 179 Consider communication with community members of the Zero Tolerance area referenced in complaint	Future zero tolerance initiatives to be publicized if feasible
Case Recommendation	Police Monitor	Case 04 218 Further evaluate officer's integrity and fitness of duty place officer in GAP	
Case Recommendation	Police Monitor/ Citizen Review Panel	Case 04 290 Reclassify case further investigate case	
Case/Counseling Recommendation	Police Monitor/ Citizen Review Panel	Case 04 291 Sustain allegations place officer in GAP provide anger management/road rage counseling	Allegation not sustained officer not placed in GAP – GAP is activated by an officer's actions officer placed on performance improvement plan (PIP) due to activation of GAP
Case/Training Recommendation	Police Monitor	Case 04 357 Offer conflict resolution training Oral reminder to officer regarding treating civilians with respect and dignity have someone from the chain of command and/or community liaison office take some sort of relationship building step	
Monitor Officer	Police Monitor	Case 04 442 Recommend officer be monitored frequently and have driving proficiency evaluations throughout the year	
Case/Global Recommendation	Police Monitor	Case 04 451 Change allegation classification Reinforce to officers the use of proper discretion when using TASER certify translated transcripts	
Case Recommendation	Police Monitor	Case 05 006 Change classification on two allegations	

Case Recommendation	Police Monitor	Case 05 086 Train regarding the proper use of car horn Dismissal of citation against complainant An apology as part of reprimand of officer	Officer was orally counseled and citation was left up to the court
Case Recommendation	Police Monitor	Case 05 145 Disagreement of allegation classification	
Case Recommendation	Police Monitor	Case 05 148 Sustain allegation #4	
Training Recommendation	Police Monitor	Case 05 188 Offer counseling and/or training on how to properly deal with the public	
Case Recommendation	Police Monitor	Case 05 202 Disagree with the administration s change in IAD s recommendations on case and allegations	IAD s recommendations were not reinstated
Case/Training/Policy Recommendation	Citizen Review Panel	Case 05 202 Sustain allegations consistent with IAD s recommendations Require that officer retake the Perspectives in Profiling training Attend training on vehicle assaults policy Ensure that vehicle assaults policy is clear and that these incidents are (video & audio) recorded review APD acting outside of city limits	IAD s recommendations were not reinstated None of the other recommendations were acted upon and the officer received a written reprimand
Case/Training Recommendation	Assistant Police Monitor	Case 05 259 Reconsider use of force allegations against the officers offer verbal skills training to officer	Use of force was necessary verbal skills were listed as factor to be considered by Chain of Command
Case Recommendation	Police Monitor	Case 05 264 Sustain allegations against Sgt Doyle indefinitely suspend Officer Schroeder	APD Chief indefinitely suspended officer supervisor was suspended for 30 days
Case Recommendation	Citizen Review Panel	Case 05 264 Conduct independent investigation of this case demote officer s supervisor terminate/indefinitely suspend officer	APD Chief indefinitely suspended officer supervisor was suspended for 30 days
Case Recommendation	Assistant Police Monitor	Case 05 272 Initiate investigation of case and reclassify	Case remained a D due to Officer s departure from the force

Case Recommendation	Assistant Police Monitor	Case 05 283 Investigate case further and reclassify case	Case remained a D
Training Recommendation	Police Monitor	Case 05 289 Offer remedial training to officers to address driving customer service road rage and leadership	
Case Recommendation	Police Monitor	Case 05 319 Reclassify case investigate case further	Case remained a D but Dept stated commitment to remain vigilant of dishonesty issues
Case Recommendation	Assistant Police Monitor	Case 05 369 Further investigate officer s actions and judgment	
Case Recommendation	Police Monitor	Case 05 401 Require that officer wear recording device to monitor his attitude	

DEPARTMENTAL DECISIONS ON SIGNIFICANT CASES IN 2005

The following list of case descriptions and resulting disciplines can provide insight and transparency into the IAD investigative process the APD decision making process and the overall oversight process

Critical Incidents

- Street Response Officer Julie Schroeder was conducting surveillance on locations and persons suspected of selling and trafficking narcotics. A particular residence had received a significant amount of attention in these operations and was possibly tied to several wanted persons in the area. Daniel Rocha was among these wanted persons and was present in the area. Street Response hoped to apprehend Rocha for current robbery warrants. Street Response identified Rocha and the vehicle in which he was riding that night. Officer Schroeder observed and confirmed the vehicle in the area and proceeded to make the traffic stop. Officer Schroeder's supervisor Sgt. Doyle had stated that he was en route. Officer Schroeder proceeded to make the stop and engaged in a defensive maneuver blocking the vehicle from the front. Officer Schroeder rushed out of her unit and failed to turn on the video camera. Officer Schroeder rushed up to the car by herself and yelled for Rocha. Officer Schroeder reached into the vehicle and tried to pull Rocha out of the vehicle. A struggle ensued as Rocha was pulled from the vehicle. Schroeder and Rocha struggled on the ground as several items flew out of Officer Schroeder's vest. Sgt. Doyle arrived on the scene and attempted to disengage Rocha and Schroeder. Sgt. Doyle took hold of Rocha's legs and Officer Schroeder was able to break free as she fired one round from her weapon into Rocha's back. Daniel Rocha died shortly after sustaining the wound. Officer Schroeder was not indicted by the Grand Jury but was subsequently terminated by IAD for violating use of force policy and not wearing her Taser® in a proper fashion. Officer Schroeder had tucked her Taser® into the top of her vest and it had come free during the struggle. Had Officer Schroeder worn her Taser® in the proper manner she may have had the opportunity to use less lethal force on Rocha. Sgt. Doyle was sustained for not turning on his video camera and failing to supervise his officer's proper display of the Taser®.
- APD officers responded to a disturbance that involved a physically hostile subject. Officers Follmer, Gray, and a third officer responded to the call to make the arrest. As the officers attempted to arrest the subject, the subject fled from the officers. Once the subject was brought to the ground, all three officers got on top of the subject to place handcuffs on him. While the subject lay on the ground, handcuffed, the officers struck the subject in the face and body several times and tased him. IAD sustained allegations of use of force, acts bringing discredit to the department, and dishonesty against Officer Follmer. Officer Follmer was subsequently terminated from the department. Officer Gray was given a 70-day suspension for sustained allegations of use of force and acts bringing discredit to the department. The third officer involved resigned during the investigation.

Suspensions and Terminations

- An 8 year old girl attended the Lance Armstrong concert with her father. During the concert, the father had become heavily intoxicated and was eventually stopped in the downtown area by an officer. Bystanders had stated that the father was too drunk to walk and the officer smelled alcohol on his breath. The father also had a cooler with a

few beers left inside. The officer asked the girl if the male was her father and if she was okay attending to him. The youth confirmed that the male was her father and the officer flagged down a cab for them. His supervisor Sgt. Gary Morrison concurred with and approved the officer's decision. A few blocks later the cab driver let the two passengers out and the male attempted to locate his vehicle to drive home. The male was spotted by other bystanders who alerted APD. The complainant contended that APD failed to consider and recognize their failure to preserve the well being of her daughter and put her in direct danger. The officer received counseling and Sgt. Morrison received a one day suspension.

- An APD officer was leaving the APD parking garage when he observed an intoxicated male leaning against a concrete pillar for support. The male was obviously intoxicated. The male had keys in his hand and was attempting to open the driver's door of a city vehicle. The officer detained the subject who was later identified as Detective Duran. Intoxication test results concluded that Detective Duran was legally intoxicated. Detective Duran was suspended from the department for 90 days.
- A Federal Grand Jury indicted APD Detective Lance McConnell on three counts of Receipt of Child Pornography, two counts of Possession of Child Pornography and two counts of Transportation of Child Pornography. Detective Lance McConnell was subsequently indefinitely suspended from the department.

COMMUNITY OUTREACH

It is essential for the citizens of Austin to be aware of the OPM and to know and trust the police oversight process. It is also important for APD to understand that the OPM strives to raise public confidence in the Department as well as inform them of the public's concerns. Thus public outreach and awareness is a fundamental goal of the OPM.

To achieve this goal, the OPM undertakes a multi-faceted approach to outreach that yields the greatest visibility for the office. This approach, spearheaded by the OPM Community Liaison Hermelinda Zamarripa and bolstered by the remaining OPM staff, begins by developing, maintaining, and strengthening personal relationships. This objective requires making personal contacts, attending events, making presentations, and distributing informational materials.

In the three short years the OPM has been in existence, it has carried its message of oversight to numerous educational institutions. In 2005, the OPM organized a series of meetings with school district leaders and a trustee concerned about truancy at Reagan High School. These meetings led to the creation of truancy intervention collaboration between the school and APD. A change in leadership at Reagan High School temporarily slowed implementation of the truancy initiative, but the new principal recognized the importance of the program and launched it the following year.

At LBJ High School, the OPM was responsible for setting a meeting of key stakeholders and also participated in a school-sponsored event. At Garza High School, the OPM delivered a presentation to students about the services of the Office. The OPM was invited to join the Campus Advisory Council at Johnston High School and helped in developing a public relations plan for the East Austin school. The OPM also participated in Career Day activities at Norman and Zavala Elementary schools. Parents of students attending Allan and Govalle Elementary schools and Dobie Middle School also received information about the services of the OPM. At Langford Elementary School, the OPM arranged a meeting with police officers from the Southeast Area Command, where plans were made for officers to attend school-sponsored events to hear parental concerns regarding issues of policing and safety. In addition to visiting area public schools, the OPM also made presentations at Concordia University and actively participated in their internship program.

Through its outreach efforts, the OPM also continues to make progress in bringing awareness of the office and its services to the minority communities in Austin. One community the OPM reached out to was the Mexican immigrant community through monthly visits to the Mexican Consulate where many Mexican nationals were made aware of OPM services. The OPM also joined the Mexican Consulate in making presentations during weekly outreach visits to various Catholic churches in Austin.

The charitable nonprofit group Manos de Cristo turned to the OPM during a period when day laborers were cited or arrested for soliciting work in areas other than the City's designated Day Labor site. The Police Monitor mediated discussions between Manos de Cristo and one of APD's Assistant Chiefs. The OPM also organized a forum of immigrant advocates representing Casa Marianella, the Equal Justice Center, the Political Asylum Project of Austin, and Catholic Charities of Central Texas Office of Immigrant Concerns in an effort to help the various organizations learn about APD's Immigration Protection Unit and other specialized services.

Another community greatly sought out by the OPM was the African American community. One example during 2005 was the involvement of several members of the OPM staff in efforts of the

African American Quality of Life project. The OPM also made numerous appearances at the offices of the Austin chapter of the National Association for the Advancement of Colored People (NAACP). The OPM participated in the East Austin Community Awareness Day which offered community resources from advocacy organizations, elected officials, and government agencies as well as KAZI's Summerfest where similar resources were also offered.

Another community served by the OPM was the Asian American Community. The OPM began collaborations with the Asian American Cultural Events Center in 2005 and continues to attend their sponsored events.

The OPM has not hesitated to address hot button topics of concern to the public. In 2005, the Police Monitor was part of a forum organized by the Austin chapter of the American Civil Liberties Union, looking at issues and facts surrounding Taser[®]s. In 2004, members of the OPM staff were trained as facilitators of the Perspectives on Profiling program at the Los Angeles Simon Wiesenthal Center's Museum of Tolerance. The program focuses on strengthening ethical decision making and reducing racial profiling, and aims to compel attendees to make critical choices and see the consequences that result from their decisions. In 2005, the community liaison put her training to the test and helped to facilitate numerous Perspectives on Profiling sessions with APD officers as participants. Also in 2005, the entire OPM staff, alongside APD officers, participated in the Perspectives on Profiling program. The discussion was lively and enlightening and centered on such topics as preventing the escalation of racially charged stops and determining when race may be appropriately used as a factor in criminal profiling.

The largest community meeting organized by the OPM occurred in partnership with the League of United Latin American Citizens (LULAC) shortly after an 18-year old youth was fatally wounded by an APD officer during the summer of 2005. Approximately 200 citizens attended the meeting to hear of APD's investigative process in handling critical incidents and speak some of their concerns. Many city leaders were present at this community meeting including former mayor Gus Garcia, council member Raul Alvarez, City Manager Toby Futrell, state representative Eddie Rodriguez, Mr. Justo Garcia, a representative of the U.S. Department of Justice, and APD administrative personnel. Though the meeting was emotionally intense and at times confrontational, this meeting provided the public as well as APD with a forum where community members could learn about the process APD uses to investigate incidents in which deadly force is used by a police officer as well as voice their opinions regarding perceived differential treatment by officers within the Department. The discussion gave way to the creation of Unidos de Austin, a group of Latino leaders concerned about social justice issues. Among its members are representatives of more than ten organizations, including LULAC, People Organized in Defense of the Earth and Her Resources (PODER), the Greater Southwest Optimist Club, the Greater Austin Hispanic Chamber of Commerce, Madres, the OPM, and others. For her role in spearheading the critical incident community meeting, the OPM community liaison was recognized by the City Manager's Office. The community liaison shared this honor with other city employees involved in planning and implementing of this event.

Shortly after the Daniel Rocha critical incident, the Dove Springs community organized a community event sponsored in part by River City Youth and APD. The OPM participated in the march and provided informational materials as well as some entertainment for the youth.

The goal of establishing community trust in the oversight process requires the OPM to work in a collaborative manner with APD. For the third consecutive year, the OPM attended the nation's largest law enforcement public outreach initiative, National Night Out. The OPM also conducted

presentations to cadets at the APD Training Academy. The OPM participated in APD's North Central Area Command neighborhood clean up in an area hampered by declining economic development and increasing crime. The OPM was also recognized at the Northeast area command Thank You Banquet. The OPM also participated in an annual school supply giveaway program for economically-disadvantaged students sponsored by APD. OPM presentations are also given to APD's Citizen Police Academy. OPM materials were displayed at multiple safety fairs and APD Commanders Forums.

In addition to providing a distinct presence at many community and law enforcement events, the OPM broadcasts its message of police oversight and office services over the airwaves, in print media, and directly to residents in neighborhoods and communities across the City of Austin. Through these outreach initiatives, the OPM has increased the community's opportunity to learn about the services of the office and to voice concerns of police misconduct, as well as helped to foster collaboration between the OPM and APD.

In 2005, Police Monitor Ashton Cumberbatch was recognized by the City Council for his contributions to the citizens of Austin and was presented with a proclamation of public service and a street sign with his name on it.

See Appendix II for a detailed listing of the groups and individuals with whom we worked during 2005.

This piece was written by Hermelinda Zamarripa, community liaison for the OPM. She joined the OPM in June of 2002.

APPENDIX I COMPLAINT PROCESS

OPM complaint specialists are tasked with addressing and resolving citizen issues concerning APD activity. Complaint specialists take phone calls and e-mails about allegations of police misconduct or questionable activities. Persons can also walk into the OPM to speak with a complaint specialist or set an appointment for a complaint consultation. The OPM is readily accessible to physically challenged, hearing impaired, and non-English speaking complainants.

When a complaint is received by the OPM, a complaint specialist conducts a preliminary interview with the complainant to gather the relevant facts and ascertain whether or not a violation of policy exists. Each complaint is unique in composition and level of severity. In situations where no policy violation is found, the complaint specialist educates and informs the complainant about the particular APD General Orders, Policies and Procedures^{VII} applicable to the complainant's situation. If a possible policy violation is found or if no violation is found but a complainant insists upon registering a complaint, the complaint specialist explains the two courses of action available to the complainant: filing a formal complaint or filing a COC inquiry.

COC Inquiries

COC inquiries are commonly used for less severe policy violations, such as complaints about the department as a whole, the police system, broad allegations of discourtesy or rudeness, or a disagreement about police activities. The COC inquiry is suitable for those complainants who do not wish to go through the formal process and want a faster result. Many people utilize this course of action because they want to make the department aware of an unpleasant issue.

The complaint specialist gathers the information from the complainant and writes a complaint e-mail that is forwarded to the commander of Internal Affairs, who reviews it and forwards the complaint to the officer's supervisor. From this point, a supervisor (usually the immediate supervisor) conducts an inquiry to hear the officer's side of the incident to better ascertain whether or not policy has been violated. During this stage, if the immediate supervisor or the IAD Commander determines that policy has been violated, a formal investigation can be initiated by IAD or the officer's chain of command. The supervisor can also address the issue through counseling or reprimands. In most cases, the complainant can also opt to be contacted by the officer's immediate supervisor to discuss the matter at greater length and to achieve a degree of closure on the issue. At any time during the COC inquiry process, the complainant may opt to file a formal complaint.

Formal Complaints

The formal complaint process is designed to register complaints, review the matter and possibly investigate it. All complainants can go through this process, but IAD determines which complaints are fully investigated depending on the nature of the complaint and its severity.

The process begins when a complaint specialist escorts a complainant to APD's IAD. Once at IAD, the complainant fills out preliminary paperwork detailing the factual account of the incident, including time, place, location, persons involved, and other relevant information.

^{VII} The General Orders, Policies, and Procedures are the guidelines, rules, and regulations set forth by the Chief of Police that govern the day-to-day activities of the Austin Police Department.

After completion of the forms the complaint specialist and complainant meet with an IAD intake detective who takes their statement. The intake detective is tasked with typing the complainant's allegations into a sworn affidavit. This serves as the complainant's statement. The intake detective takes dictation only and does not conduct any kind of inquiry or preliminary investigation. The detective cannot refute the complainant's account of an incident. The detective can ask the complainant to clarify information such as time, date, and participants or witnesses in a specific and concise manner.

The complaint specialist is present at all portions of the interview to ensure that both parties are treated with respect and dignity and that the words dictated to the intake detective are accurately represented on the final affidavit form. The interview is also audio-taped and preserved. After the statement portion is completed the complainant can get a printed copy of the statement and make any additions or deletions to the text that they feel are necessary. The complaint specialist verifies that the complainant had ample time to review and correct their statement. Once the statement is finalized the detective will print a final copy for the complainant to sign. The complaint specialist is also present to verify that the complainant has understood and accepted the final copy of their statement and that they have been fully informed of the perjury clause. The statement is also notarized. The complaint specialist and complainant receive their copies of the final notarized statement concluding the intake interview.

If the complaint is accepted for investigation by IAD the complaint specialist attends all complainant and witness interviews. Only the police monitor or assistant police monitor may attend the interview of the officer under investigation. Whether or not a formal complaint is accepted for investigation IAD prepares a file detailing the investigation or the reasons that it will not be investigated. The complaint specialist reviews the entire file and forwards comments, concerns, or issues about the case to the police monitor or assistant police monitor. If the OPM does not agree with the investigation or IAD's conclusions the OPM may make recommendations to the CRP, the Chief of Police or IAD.

The complainant is given the investigation results in writing. A complainant may then sit down with the police monitor or assistant police monitor to find out the details of the investigation during a Police Monitor's Conference. If the complainant is not satisfied with the investigation they may also seek assistance from the CRP. The CRP may make recommendations on their behalf to the chief of police regarding the case.

This piece was written by complaint specialist with the OPM Louis Gonzales III. He has been with the OPM since its inception in 2002.

APPENDIX II OUTREACH EFFORTS IN 2005

Jan 10 2005	Presentation to parents Dobie Middle School
Jan 11 2005	APD North Central Commander s Forum Barrington Elementary School
Jan 17 2005	Martin Luther King Jr March and Community Fair Huston Tillotson College
Jan 20 2005	Presentation to residents Austin Housing Authority s Thurmond Heights community
Jan 25 2005	NAACP meeting Carver Library
Jan 27 2005	Monthly meeting Capitol City African American Chamber of Commerce
Jan 27 2005	Amigos En Azul meeting Office of the Police Monitor
Jan 27 2005	APD Downtown Commander s Forum APD 5 th Floor
Jan 27 2005	APD Northeast Commander s Forum St John Community Center
Jan 28 2005	Presentation to students Norman Elementary School
Jan 30 2005	Annual Open House and Community Forum El Buen Samaritano
Feb 1 2005	Presentation to Austin Learning Academy students Garza High School
Feb 3 2005	Men with a Purpose YMCA at Ed Bluestein
Feb 4 2005	Greater Austin Hispanic Chamber of Commerce banquet Hilton Hotel
Feb 5 2005	Grand Opening Carver Branch Library
Feb 5 2005	Lunar New Year Austin Asian American Cultural Center
Feb 8 2005	Mexican Consulate monthly outreach
Feb 10 2005	LULAC Nuevo Leon Restaurant
Feb 11 2005	North Austin Civic Association Kiefer s Cafe
Feb 12 2005	Sembradores Annual Scholarship banquet Omni Hotel
Feb 14 2005	Austin Area Urban League banquet Hyatt Hotel
Feb 22 23 2005	Family Forward Annual Conference Red Lion Inn
Feb 24 2005	APD Open House Austin Housing Authority s Thurmond Heights community

Feb 26 2005	African American Community Heritage Festival Huston Tillotson College
March 1 2005	Presentation to family advocates SafePlace
March 2 2005	Saltillo Sister Cities meeting Nuevo Leon Restaurant
March 3 2005	Presentation to Men with a Purpose YMCA at Ed Bluestein
March 18 2005	Presentation to NAACP Regional Conference attendees Omni South Park Hotel
March 24 2005	Conference with Principal Patrick Patterson and Audrey Morgan LBJ High School
March 28 2005	Communities In School luncheon Driskill Hotel
March 29 2005	Training Mexican Consulate
April 3 2005	APD Immigrant Fair Pecan Mobile Park
April 4 2005	Mexican Consulate outreach
April 4 2005	APD Central East Commander s Forum East Substation
April 12 2005	Dr Marcus Nelson and AISD Trustee Cheryl Bradley meeting to discuss truancy concerns at Reagan High School
April 19 2005	Meeting with Rev Lydia Hernandez to discuss ticketing of immigrants for soliciting work Manos de Cristo
April 19 2005	Meeting with staff of Manos de Cristo and Chief Dahlstrom to discuss new APD policy of ticketing of immigrants for soliciting work Manos de Cristo
April 20 2005	Saltillo Sister Cities meeting Nuevo Leon Restaurant
April 21 2005	Presentation to parents Allan Elementary School
April 23 2005	Town Hall meeting hosted by NAACP and NOKOA newspaper Huston Tillotson College
April 25 2005	Meeting with Northeast Commander Sam Holt and Dr Marcus Nelson to discuss APD s help in curbing truancy at Reagan High School
April 26 2005	Forum on African American Quality of Life St Jones Building
April 26 2005	NAACP meeting Carver Library
April 27 2005	Meeting with East Side Story staff concerning drug related issues at Wells Mini Mart East Side Story

April 28 2005	Minority Ethnic Chamber Alliance quarterly luncheon Carmelo s Restaurant
April 28 2005	APD Northeast Commander s Forum St John Community Center
April 29 2005	Meeting with North Central Commander Gross Lt Pasley and Eric Sanchez to enlist APD s support at Burnet Middle School North Substation
May 1 2005	Quail Creek Festival Lanier High School
May 3 2005	Meeting with Jennifer Long of Casa Marianella
May 3 2005	Corazon de Azul DWI awareness press conference Plaza Saltillo
May 4 2005	Austin Partners in Education Annual Awards Ceremony Palmer Auditorium
May 5 2005	Saltillo Sister Cities Association activities with Mexican delegation at various facilities
May 9 2005	Meeting with Austin Area Interreligious Ministries Emily Whitehurst Hoover s Restaurant
May 10 2005	Meeting with Austin American Statesman s Arnold Garcia Texas Land and Cattle Company
May 10 2005	APD South Central Commander s Forum Ruiz Library
May 11 2005	Meeting with staff Juan Diego High School
May 12 2005	Meeting with Hyde Park Neighborhood Association President Glen Coleman Julio s Restaurant
May 16 2005	Meeting with Commander Sam Holt Dr Marcus Nelson AISD Police Chief Pat Fuller Trustee Cheryl Bradley etc to discuss truancy concerns at Reagan High School
May 21 2005	Operation Restore Hope APD North Central Command
May 21 2005	True Light Daycare and Church festival
May 25 2005	End of School Year party for Zavala Elementary School students 1805 E Third St
May 26 2005	Greater Austin Hispanic Chamber of Commerce luncheon Norris Conference Center
May 26 2005	Meeting with Casa Marianella s Jennifer Long and Julien Ross to discuss immigrant concerns

June 1 2005	Meeting with Director Kathryn Brewer of Austin Partners in Education 701 Brazos
June 8 2005	Meeting with Reagan High School Principal John Gonzalez and Eliza May of the Greater Hispanic Chamber of Commerce and Greg Marshall of the Capital City African American Chamber of Commerce Taco Village Restaurant
June 8 2005	APD Southwest Commander s Forum APD South Substation
June 14 2005	Mexican Consulate monthly outreach
June 14 2005	Meeting with APD Commander Nyert Rev Lydia Hernandez and Manos de Cristo parish board to discuss immigrant concerns
June 16 2005	Daniel Rocha Community meeting Dove Springs Recreation Center
June 17 2005	Meeting with US Department of Justice Justo Garcia and LULAC District Director Linda Chavez
June 22 2005	Greater Austin Hispanic Chamber of Commerce reception honoring new Consul General Jorge Guajardo 401 Congress
June 23 2005	Meeting to discuss Reagan High School truancy concerns with APD and AISD Holiday Inn Town Lake
June 28 2005	Present APD s Perspectives in Profiling training Mt Olive Baptist Church
June 29 2005	APD Faith Community Forum Red Lion Inn
July 6 2005	Mexican Consulate outreach
July 6 2005	Men With A Purpose meeting YMCA at Ed Bluestein
July 7 2005	Meeting with Mexican Consul General Jorge Guajardo and Carmen Cortez-Harms
July 10 2005	Outreach with Mexican Consulate Office Cristo Rey Catholic Church Sunday masses
July 11 2005	Meeting with representatives from PAPA Casa Marianella Catholic Charities for Immigrant Concerns and Manuel Renteria Office of the Police Monitor
July 11 2005	APD Central East Commander s Forum East Substation
July 12 2005	APD National Night Out meeting Dove Springs Recreation Center
July 14 2005	Mexican Consulate outreach
July 14 2005	LULAC fundraiser Nuevo Leon Restaurant

July 18 2005	Austin Asian American Chamber of Commerce luncheon Shalimar Restaurant
July 18 2005	Greater Austin Hispanic Chamber of Commerce community forum ACC Eastview Campus
July 19 2005	Meeting with Rumbo reporter Regina Rodriguez Upper Crust Bakery
July 20 2005	African American Chamber of Commerce Quality of Life luncheon presentation Mitchie s Gallery
July 20 2005	LBJ Neighborhood Association presentation
July 20 2005	APD Northeast Commander s Forum St John Community Center
July 25 2005	Meeting with Daniel Llanes Riverview Neighborhood Association Mi Madre s Restaurant
July 27 2005	Mexican Consulate outreach
August 1 2005	Meeting with Amy Wong Mok Austin Asian American Cultural Center
August 2 2005	APD National Night Out Dove Springs Recreation Center
August 3 2005	APD Human Trafficking Conference Red Lion Inn
August 9 2005	APD North Central Command s School Supply Giveaway at Galewood Drive
August 9 2005	APD South Central Commander s Forum Christ Lutheran Church
August 11 2005	Two separate APD Perspectives in Profiling training of police officers Cornerstone Church
August 11 2005	Presentation to the Human Relations Commission on the use of TASER®s
August 13 2005	Community outreach at Copa de Austin soccer tournament Tillery Street
August 22 2005	Meeting with James Conquest of Men With A Purpose Texas Land and Cattle Co
August 23 2005	Meeting with Councilman Raul Alvarez and River City Youth Foundation City Hall
August 23 2005	Dobie Middle School Back to School Fair
August 27 2005	KAZI Summerfest Givens Recreation Center
August 31 2005	El Buen Samaritano Open House and Community Fair

Sept 1 2005	Govalle Elementary School Back to School Fair
Sept 7 2005	East Austin Neighborhood Center outreach Second and Comal Streets
Sept 8 2005	APD Perspectives in Profiling training of police officers Cornerstone Church
Sept 15 2005	Austin Area Human Services Association luncheon Town Lake YMCA
Sept 21 2005	Mexican Consulate outreach
Sept 27 2005	Meeting with Sgt Albert Beltran and Parent Support Specialist Cynthia Baquero Langford Elementary
Sept 29 2005	Greater Austin Hispanic Chamber of Commerce Community Service Awards St Edward s University
Oct 4 2005	NAACP Town Hall meeting regarding critical incident Carver Museum
Oct 6 2005	Men with a Purpose YMCA at Ed Bluestein
Oct 6 2005	American Heart Association Task Force meeting RBJ Building
Oct 6 2005	Manos de Cristo Open House 4911 Harmon Ave
Oct 14 2005	Presentation to Sociology Department class Concordia College
Oct 15 2005	March for Neighborhood Pride Dove Springs Recreation Center
Oct 20 2005	Health Fair LBJ High School Cafeteria
Oct 24 2005	Child Sexual Abuse coordinating meeting with APD North Central Command North Substation
Oct 25 2005	NAACP Monthly Meeting Carver Library
Oct 27 2005	Mexican Consulate outreach
Oct 29 2005	APD Immigrant Fair Northgate and Rundberg
Oct 30 2005	Mexican Consulate outreach at Sunday masses Dolores Catholic Church
Nov 6 2005	Mexican Consulate outreach at Sunday masses San Jose Catholic Church
Nov 8 2005	APD South Central Commander s Forum Christ Lutheran Church
Nov 10 2005	Career Day presentation Zavala Elementary School
Nov 14 2005	Open House Greater Austin Hispanic Chamber of Commerce

Nov 17 2005	Meeting of Hispanic leaders with US Department of Justice Justo Garcia Our Lady of Guadalupe Catholic Church
Nov 19 2005	Vietnamese Health Fair Lanier High School
Nov 20 2005	Mexican Consulate outreach at Sunday Mass St Louis Catholic Church
Nov 22 2005	Parent coffee Dobie Middle School
Nov 30 2005	Meeting with president of the Black Faculty and Staff Association University of Texas
Dec 1 2005	Men with a Purpose meeting YMCA East at Ed Bluestein
Dec 5 2005	Central East Commander s Forum East Substation
Dec 8 2005	Meeting with Hyde Park Neighborhood Association representatives and APD Central West Commander
Dec 9 2005	Coordinated presentation by APD Corporal Mike Alexander to speak to band students about bullying and harassment McCallum High School 5600 Sunshine Dr 10 a m
Dec 10 2005	In association with the Austin Area Alliance of Black School Educators Police Monitor conducted a Writer s Workshop for African American fourth grade students at Norman Elementary 4001 Tannehill Lane 8 30 to 11 30 a m (AC)
Dec 11 2005	Immigrantes Latinos en Accion Proyecto Monarca presentation Dolores Catholic Church